



Karen Lehman Haas
Clerk of the U.S. House of Representatives
Office of the Clerk
U.S. Capitol, Room H154,
Washington, DC 20515-6601

ArticleV.org

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04/15/13

Subject: Requesting verification and tabulation of State applications for an Article V convention to propose amendments.

Greetings Ms. Haas,

I spoke with Kirk Boyle in your office and Tom Wickham, House Parliamentarian, and have been instructed to deliver this information to the Clerk of the House of Representatives. I am providing you with the attached documentation of 42 legal and standing State applications for an Article V convention for determination of their validity. The collection of all known applications on record may be found here: <http://foavc.org/file.php/1/Amendments>

We, involved with ArticleV.org, acknowledge the fact that the States have satisfied the required two-thirds numerical threshold to call for an Article V Convention under Article V of the US Constitution and Congress should call an Article V Convention to order. We make formal request for the Clerk of House of Representatives to verify and inform Congress of this matter.

The Congressional Research Service arrived at a similar conclusion. *"With well over a century of experience in proposing an Article V Convention, the states have arrived at certain precedents for the consideration of these applications."* from the Congressional Research Service Report by Thomas H. Neale, The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress, October 22, 2012. <http://www.fas.org/sgp/crs/misc/R42592.pdf>

Those advocating for an Article V Convention from various groups often find ourselves in debate about what the current count is today. As the Congressional Research Service pointed out, there has never been an official tabulation to indicate which state applications would be valid toward the two-thirds threshold, and which would not. We truly desire an official verification and tabulation of these applications and any others we may have overlooked so there is an official number we may all reference.

Thank you for your time and diligence in this matter.

Sincerely,

Dan Marks
ArticleV.org
808-345-3990

March 27, 1996

CONGRESSIONAL RECORD — SENATE

S3013

"Whereas, under the United States Constitution, the states are to determine public policy; and

"Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

"Whereas, our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates; and

"Whereas, these mandates by way of statute, rule or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

"Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

"Whereas, these court actions violate the United States Constitution and the legislative process; and

"Whereas, the time has come for the people of this great nation to further define the role of the courts in their review of federal and state laws; and

"Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

"Whereas, the amendment was previously introduced in Congress; and

"Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes; and

"Whereas, the State of Arizona desires that the United States Congress acknowledge and act upon this expression of the intent of the various states without the necessity of those states calling a constitutional convention as authorized in Article V of the Constitution of the United States: Therefore, be it

Resolved by the Senate of the State of Arizona, the House of Representatives concurring:

"1. That the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows: 'Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes'; and

"2. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States.

"3. That the Legislature of the State of Arizona also proposes that the legislatures of each of the several states comprising the United States that have not yet made similar requests apply to the United States Congress requesting enactment of an appropriate amendment to the United States Constitution, and apply to the United States Congress to propose such an amendment to the United States Constitution.

"4. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the presiding officer in each house of the legislature in each of the other states in the Union, the Speaker of the United States House of Representatives, the President of the United States Senate and to each Member of the Arizona Congressional Delegation."

POM-524. A concurrent resolution adopted by the Legislature of the State of Hawaii to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION NO. 14

"Whereas, the Omnibus Budget Reconciliation Act of 1993 signed into law by President Clinton on August 10, 1993, included the

largest tax increase in history: \$115 billion in new taxes and a forty-seven percent increase in income tax rates; and

"Whereas, the income, estate, and gift tax components of the tax increase were retroactive, taking effect on January 1, 1993; and

"Whereas, Treasury Secretary Bentsen has declared that more than one and one-quarter million small businesses will be subject to retroactive taxation despite the administration's claim that the tax increase "only affected the rich"; and

"Whereas, the retroactivity of the Omnibus Budget Reconciliation Act of 1993 is unprecedented in that it became effective during a previous administration—Before President Clinton or the 103rd Congress even took office; and

"Whereas, the passage of the bill resulted in loud public outcry against retroactive taxation; and

"Whereas, retroactive taxation places an unfair and intolerable burden on the American taxpayer; and

"Whereas, retroactive taxation is wrong, it is bad policy, and it is a reprehensible action on the part of the government; now, therefore, be it

Resolved by the House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, the Senate concurring: That the Legislature of the State of Hawaii memorialize the Congress of the United States to propose and submit to the several states an amendment to the Constitution of the United States that would provide that no federal tax shall be imposed for the period before the date of the enactment of the retroactive tax; and

Resolved: That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, Hawaii's Congressional delegation, the Speaker of the House of Representatives, and the Senate President."

POM-525. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION NO. 11

"Whereas, in recent years the federal judges, with the support of the United States Supreme Court, have imposed taxes or required the increase of taxes to raise the revenue to support various court orders; and

"Whereas, the judicial branch of government is making more decisions which affect the everyday life of citizens; and

"Whereas, taxation must be the exclusive prerogative of elected representatives and not be subject to imposition by an appointed judiciary; and

"Whereas, attempted judicial preemption in a matter as critical to the welfare of states and the people represented by state legislatures as taxation requires a response; and

"Whereas, the Missouri Legislature has passed a concurrent resolution requesting Congress to propose an amendment to the United States Constitution to restrict the power of the federal courts in this area; and

"Whereas, Colorado, Tennessee, and New York have already joined Missouri in its effort by adopting the identical language demonstrating the solidarity of state legislatures on this issue: Therefore, be it

Resolved: That the Legislature of Louisiana memorializes the Congress of the United States to adopt and propose an amendment to the Constitution of the United States to read as follows: 'Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an

official of such state or political subdivision, to levy or increase taxes.' Be it further

Resolved: That a duly attested copy of this Resolution be immediately transmitted to the president of the United States, to the secretary of the United States Senate, to the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress."

POM-526. A concurrent resolution adopted by the Legislature of the State of South Dakota; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION NO. 1010

"Whereas, in *Missouri v. Jenkins* (495 U.S. 33, 110 S.Ct. 1691 (1990)), the Supreme Court held that a federal court had the power to order an increase in state and local taxes thereby violating a fundamental tenet of the separation of powers: that members of the federal judiciary, who serve for life and are answerable to no one, should not have control over the power of the purse; and

"Whereas, section 8 of Article I of the Constitution of the United States vests with the legislative branch of government alone the extraordinary power to 'lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States'; and

"Whereas, the courts' action are an intrusion into a legitimate political debate over state spending priorities and not a response to a constitutional directive; and

"Whereas, Justice Kennedy observed in his dissent in *Missouri v. Jenkins* that 'this assertion of judicial power in one of the most sensitive of policy areas, that involving taxation, begins a process that one time could threaten fundamental alteration of the form of government our Constitution embodies'; and

"Whereas, since 1990, when the Supreme Court declared in *Missouri v. Jenkins* that the federal courts have the authority and power to levy and increase taxes, Congress has chosen not to intercede on behalf of the people to protect the democratic process which has been corrupted by the unconstitutional authority and power to tax which the federal courts have exercised; and

"Whereas, the time has come for the people of this great nation, and their duly elected representatives in state government, to reaffirm, in no uncertain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government who they choose, such representatives being directly responsible and accountable to those who have elected them: Now, therefore, be it

Resolved, by the House of Representatives of the Seventy-first legislature of the State of South Dakota, the Senate concurring therein: That application is hereby made pursuant to Article V of the United States Constitution for an amendment to the Constitution reading substantially as follows: 'Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes.'; and be it further

Resolved: That this petition constitutes a continuing application in accordance with Article V of the Constitution of the United States; and be it further

Resolved: That this legislative body requests the legislatures of the several states comprising the Union to make similar application to Congress for the purpose of proposing such an amendment to the United States Constitution."

S3012

CONGRESSIONAL RECORD — SENATE

March 27, 1996

[From the Birmingham Post-Herald, Feb. 7, 1996]

20 YEARS OF LEADERSHIP

Twenty years ago, the future looked dim for many small, private liberal arts colleges. Declining enrollments and troubled financial conditions forced many such schools out of existence. Others survived by abandoning much of their distinctiveness through merger into other colleges and universities or becoming taxpayer-funded institutions. People were even questioning whether a liberal arts education still had any value.

Among the colleges in trouble was Birmingham-Southern College. Enrollment was down significantly, the college had a budgetary deficit and the college presidency had changed hands several times in a very short period.

Then, on Feb. 1, 1976, Neal Berte became college president. Under his leadership, the Methodist institution enhanced what were still strong academic programs, rebuilt its finances and reversed the erosion of a tradition of community involvement.

If Berte had done nothing more in the past 20 years than restore Birmingham-Southern's standing as one of the best liberal arts colleges in this part of the country, he would deserve high praise. But as anybody who follows public life in this community must know, he has done much more.

There is hardly a facet of civic life that has not been affected—for the better—by Berte. He holds or has held chairmanships in several organizations. But even more important has been his ability to bring other leaders and potential leaders together in ways that improve Birmingham for all of us. He has been a much-needed catalyst for change.

Anybody seeking an example of what being a leader means need look no farther than the Birmingham-Southern hilltop campus and the office of Neal Berte.

REPORT ON THE ADMINISTRATION OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT FOR CALENDAR YEAR 1994—MESSAGE FROM THE PRESIDENT—PM 135

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

In accordance with section 540 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360qq) (previously section 360D of the Public Health Service Act), I am submitting the report of the Department of Health and Human Services regarding the administration of the Radiation Control for Health and Safety Act of 1968 during calendar year 1994.

The report recommends the repeal of section 540 of the Federal Food, Drug, and Cosmetic Act that requires the completion of this annual report. All the information found in this report is available to the Congress on a more immediate basis through the Center for Devices and Radiological Health technical reports, the Radiological Health Bulletin, and other publicly available sources. The Agency resources devoted to the preparation of this report could be put to other, better uses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 27, 1996.

REPORT ON THE TRADE AGREEMENTS PROGRAM FOR CALENDAR YEAR 1995 AND THE TRADE POLICY AGENDA FOR CALENDAR YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 136

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1996 Trade Policy Agenda and 1995 Annual Report on the Trade Agreements Program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 27, 1996.

MESSAGES FROM THE HOUSE

At 10:14 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 158. Joint resolution to recognize the Peace Corps on the occasion of its 35th anniversary and the Americans who have served as Peace Corps volunteers.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 146. Concurrent resolution authorizing the 1996 Special Olympics Torch Relay to be run through the Capitol Grounds.

H. Con. Res. 147. Concurrent resolution authorizing the use of the Capitol Grounds for the fifteenth annual National Peace Officers' Memorial Service.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.J. Res. 158. Joint resolution to recognize the Peace Corps on the occasion of its 35th anniversary and the Americans who have served as Peace Corps volunteers; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

Pursuant to the order of February 9, 1996, the following measure was placed on the calendar:

H.R. 849. An act to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers; and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, which were referred as indicated:

EC-2189. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-2190. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Secretary of State Determination relative to Israel; to the Committee on Foreign Relations.

EC-2191. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on agency compliance with respect to unfunded mandates reform; to the Committee on Governmental Affairs.

EC-2192. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report relative to cost of travel and privately owned vehicles of federal employees; to the Committee on Governmental Affairs.

EC-2193. A communication from the Chairman of the Board of Governors of the Federal Reserve, transmitting, pursuant to law, a report relative to the implementation of its administrative responsibilities during calendar year 1995; to the Committee on Governmental Affairs.

EC-2194. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2195. A communication from the Vice President and General Counsel of the Overseas Private Investment Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2196. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2197. A communication from the Board Members of the Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act to conform the statute of limitations with respect to the creditability of compensation under that Act to the statute of limitations with respect to the payment under the Railroad Retirement Act and for other purposes; to the Committee on Labor and Human Resources.

EC-2198. A communication from the Secretary of Transportation, Commonwealth of Virginia, transmitting, pursuant to law, the final report on the I-66 HOV-2 Demonstration Project; to the Committee on the Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-523. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION 1014

"Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

SUSPENSION OF DEPORTATION OF ALIENS— WITHDRAWAL OF NAMES

Two letters from the Attorney General, withdrawing the names of Nargis Sayad nee Nargis Yonan-Gitti and Hartune Benjamin Deyirmendjian or Harry Deyirmendjian from reports relating to aliens whose deportation has been suspended, transmitted to the Senate on July 2, 1951, and August 1, 1951, respectively; to the Committee on the Judiciary.

REPORT ON VIOLATION OF SECTION 3679, REVISED STATUTES

A letter from the Administrator, Veterans' Administration, reporting, pursuant to law, a violation of subsection (h) of section 3679 of the Revised Statutes (with an accompanying paper); to the Committee on Appropriations.

REPORT ON TORT CLAIMS PAID BY HOUSING AND HOME FINANCE AGENCY

A letter from the Administrator, Housing and Home Finance Agency, reporting, pursuant to law, on tort claims paid by the Agency, for the calendar year 1950; to the Committee on the Judiciary.

REPORT OF BUREAU OF PUBLIC ROADS

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the Bureau of Public Roads, for the fiscal year 1951 (with accompanying papers); to the Committee on Public Works.

AMENDMENT OF ACT OF JUNE 28, 1944 (CH. 294, TITLE III, 58 STAT. 414)

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the act of June 28, 1944 (ch. 294, title III, 58 Stat. 414) (with an accompanying paper); to the Committee on Interstate and Foreign Commerce.

STATEMENT OF INCOME OF WASHINGTON GAS LIGHT CO.

A letter from the president of the Washington Gas Light Co., Washington, D. C., transmitting, pursuant to law, a statement of income of the company, together with a list of stockholders, for the year ended December 31, 1951 (with accompanying papers); to the Committee on the District of Columbia.

REPORT OF POTOMAC ELECTRIC POWER CO.

A letter from the president of the Potomac Electric Power Co., Washington, D. C., transmitting, pursuant to law, a report of the company for the year ended December 31, 1951 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF CAPITAL TRANSIT CO.

A letter from the president of the Capital Transit Co., Washington, D. C., transmitting, pursuant to law, a report of the company for the calendar year 1951 (with an accompanying report); to the Committee on the District of Columbia.

DISPOSITION OF CERTAIN QUARTZ CRYSTALS

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of 6,500,000 pieces of "B. T. cut" quartz crystals now held in the national stockpile (with an accompanying paper); to the Committee on Expenditures in the Executive Departments.

TRAINING OF FEDERAL CIVILIAN OFFICERS AND EMPLOYEES

A letter from the Chairman of the United States Civil Service Commission, transmitting a draft of proposed legislation to increase the efficiency of the Federal Government by improving the training of Federal civilian officers and employee (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of the State of Arkansas; to the Committee on the Judiciary:

"Senate Concurrent Resolution 10

"Concurrent resolution memorializing the Congress of the United States to amend the Constitution of the United States, relative to taxes on incomes, gifts, and inheritances; and providing limitations on taxes so levied; and repealing the sixteenth amendment to the Constitution of the United States

"Whereas there is now pending in the Congress of the United States, proposed legislation to repeal the sixteenth amendment to the Constitution of the United States, and to amend the Constitution of the United States relative to taxes on incomes, gifts, and inheritances; and providing for a limitation of taxes thereon; and

"Whereas the people of the State of Arkansas are greatly interested in the passage of such legislation: Now therefore, be it

"Resolved by the State Senate of the State of Arkansas (the House concurring), That the Congress of the United States be memorialized as follows: That application be, and it hereby is, made to the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

"ARTICLE 22

"SECTION 1. The sixteenth amendment to the Constitution of the United States is hereby repealed.

"SEC. 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration: *Provided*, That in no case shall the maximum rate of tax exceed 25 per centum.

"SEC. 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of death or intended to take effect in possession or enjoyment at or after death or by way of gift, shall in no case exceed 25 percent.

"SEC. 4. Sections 1 and 2 shall take effect at midnight on the 31st day of December following the ratification of this article. Nothing contained in this article shall affect the power of the United States after said day to collect any tax on incomes, for any period ending on or prior to said 31st day of December laid in accordance with the terms of any law then in effect.

"SEC. 5. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of section 3 laid in accordance with the terms of any law then in effect: be it further

"Resolved, That the Congress of the United States be, and it is hereby requested to provide, as the mode of ratification, that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several States; be it further

"Resolved, That the Secretary of State of Arkansas be, and he hereby is, directed to send a duly certified copy of this resolution to the Senate of the United States and one to the House of Representatives in the Con-

gress of the United States, and to each Arkansas Member thereof."

Two joint resolutions of the Legislature of the State of Illinois; to the Committee on the Judiciary:

"House Joint Resolution 7

"Whereas the sixty-third general assembly adopted House Joint Resolution No. 32, thereby making application to the Congress of the United States to call a convention for the purpose of proposing a suggested amendment to the Federal Constitution, the effect of which would be to fix the maximum income-tax rate at 25 percent; and

"Whereas the sixty-fourth general assembly considers the proposal made by such resolution inadvisable and is opposed thereto: Therefore be it

"Resolved by the House of Representatives of the Sixty-fourth General Assembly of the State of Illinois (the Senate concurring herein), That it express its opposition to the application and intent of the resolution set forth in the preamble hereof; and be it further

"Resolved, That the secretary of state be directed to forward a copy of this resolution to the Senate and House of Representatives of the Congress of the United States.

"Adopted by the house March 13, 1945.

"HUGH GREEN,

"Speaker of the House of Representatives.

"FRED W. RUEGG,

"Clerk of the House of Representatives.

"Concurred in by the senate March 28, 1945.

"HUGH W. CROSS,

"President of the Senate.

"EDWARD H. ALEXANDER,

"Secretary of the Senate."

"House Joint Resolution 32

"Resolved by the House of Representatives of the State of Illinois (the Senate concurring herein), That application be and it hereby is made to the Congress of the United States of America to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

"ARTICLE —

"SECTION 1. The sixteenth article of amendment to the Constitution of the United States is hereby repealed.

"SEC. 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration: *Provided*, That in no case shall the maximum rate of tax exceed 25 percent.

"SEC. 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of or intended to take effect in possession or enjoyment at or after death, or by way of gift, shall in no case exceed 25 percent.

"SEC. 4. The limitations upon the rates of said taxes contained in sections 2 and 3 shall, however, be subject to the qualification that in the event of a war in which the United States is engaged creating a grave national emergency requiring such action to avoid national disaster, the Congress by a vote of three-fourths of each house may for a period not exceeding 1 year increase beyond the limits above prescribed the maximum rate of any such tax upon incomes subsequently accruing or received or with respect to subsequent devolutions or transfers of property, with like power, while the United States is actively engaged in such war, to repeat such action as often as such emergency may require.

"SEC. 5. Sections 1 and 2 shall take effect at midnight on the 31st day of December

10814

CONGRESSIONAL RECORD—SENATE

JULY 9

and Washington on January 1, 1935, which, with the accompanying papers, were referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolutions of the Legislature of the State of California, which were referred to the Committee on the Judiciary:

Senate joint resolution relative to the application to Congress to propose an amendment to the Constitution of the United States relating to tax-exempt securities

Whereas article V of the Constitution of the United States provides that the Congress shall, on the application of the legislatures of two-thirds of the several States, call a convention for proposing amendments to the Constitution of the United States; and

Whereas the Legislature of the State of California deems it necessary to the well-being of the Nation that no securities heretofore or hereafter issued by the Federal Government or any State or political subdivision be exempt from taxation: Now, therefore, be it

Resolved by the Senate and the Assembly of the Legislature of the State of California, jointly, at its fifty-first regular session, commencing on the 7th day of January 1935, a majority of all the members elected to each house of the legislature voting in favor hereof, That the Congress of the United States be requested to call a convention upon the adoption by two-thirds of the several States of a resolution similar to this resolution, for the purpose of proposing an amendment to the Constitution providing that no securities heretofore or hereafter issued, either by the Federal Government or any State or political subdivision, shall be exempt from taxation; and be it further

Resolved, That certified copies of this resolution be forwarded by the Governor of the State of California to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the Governor of each of the several States.

Senate Joint Resolution 23

Senate joint resolution relative to the application to Congress to propose an amendment to the Constitution of the United States relating to the power of the Congress to regulate hours, wages, terms, and conditions of employment of labor

Whereas article V of the Constitution of the United States provides that the Congress shall, on the application of the legislatures of two-thirds of the several States, call a convention for proposing amendments to the Constitution of the United States: Now, therefore, be it

Resolved by the Senate and the Assembly of the Legislature of the State of California, jointly, at its fifty-first regular session, commencing on the 7th day of January 1935, a majority of all the members elected to each house of the legislature voting in favor hereof, That the Congress of the United States be requested to call a convention upon the adoption by two-thirds of the several States of a resolution similar to this resolution, for the purpose of proposing an amendment to the Constitution providing that the Congress of the United States shall have the power to regulate hours of labor and prescribe minimum wages in any and all industries engaged in intrastate, as well as interstate, commerce; and be it further

Resolved, That certified copies of this resolution be forwarded by the Governor of the State of California to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the Governor of each of the several States.

The VICE PRESIDENT also laid before the Senate resolutions adopted by the First Quadrennial Convention of the Brotherhood of Railroad Trainmen, favoring the enactment of the so-called "Lundeen bill", being the bill (H. R. 2827) to provide for the establishment of unemployment, old-age, and social insurance, and for other purposes, which were ordered to lie on the table.

Mr. CAPPER presented a petition of sundry citizens of Greenwood County, Kans., praying for the enactment of the bill (S. 3150) to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes, which was referred to the Committee on Finance.

He also presented a resolution adopted by the convention of the Kansas State Council of the Knights of Columbus, held in Newton, Kans., favoring the adoption of the so-called "Borah resolution", being Senate Resolution 70, protesting against religious persecutions by the Government of Mexico, and authorizing an investigation thereof by the Committee on Foreign Relations, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Dearing, Kans., praying for the enactment of legislation to establish a retirement system for railroad employees, which was referred to the Committee on Interstate Commerce.

Mr. COPELAND presented petitions of sundry citizens of the State of New York, praying for removal of the Federal tax on the sale of gasoline, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens, being employees of the Albany Knitting Co., Inc., of Albany, N. Y., praying for the enactment of the bill (H. R. 8603) to foster industry and fair competition, to promote and encourage employment, and to prevent the dumping of foreign merchandise on the markets of the United States, which was referred to the Committee on Finance.

He also presented resolutions adopted by the quarterly meeting of the Catholic War Veterans, Long Island City, N. Y., protesting against the introduction or spread of communism in the United States, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the New York (N. Y.) Produce Exchange, protesting against the enactment of certain proposed amendments to the Agricultural Adjustment Act, which was ordered to lie on the table.

STATUE OF GEN. ROBERT E. LEE

Mr. WALSH presented the petition of the Boston (Mass.) Chapter, United Daughters of the Confederacy, praying for the erection of a statue of Gen. Robert E. Lee in the Arlington National Cemetery, which was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

To the Senate and the House of Representatives of the United States:

We respectfully petition your honorable bodies that you enact into law the bill now pending to provide for a statue of Gen. Robert E. Lee to be placed in the national cemetery at Arlington.

Your petitioner is the Boston Chapter of the United Daughters of the Confederacy, and is composed of women of southern birth or association who are now resident in the Commonwealth of Massachusetts, and are enjoying the rights and privileges of this grand old State which led the way to liberty at the outbreak of the American Revolution.

To a united country we give our absolute loyalty and affection just as in the Spanish War and the World War we gave ourselves, our sons, and daughters in defense of that country.

But we of southern blood cannot forget the glorious sacrifices of our fathers and mothers in defense of what they conceived to be their rights. We cherish with pride the memories of the marvelous military skill of our leaders, the gallantry of our soldiers, and the noble self-sacrifice of our women. It is to keep alive these memories that our organization was formed, and we would be faithless to our fathers and mothers and untrue to ourselves if we allowed those memories to become dimmed.

We cherish the flag of the Confederacy, not as an emblem of nationality but as the emblem of remembrance of gallant deeds and unselfish sacrifice, and of our matchless leader, Robert E. Lee, great in war, sublime in peace, and enshrined forever in the hearts of the southern people.

It is with deep emotion that we recognize that the North accords to him, for his greatness and nobility, a place among our country's immortals. We feel it most fitting, therefore, that his statue should be erected in the national cemetery at Arlington, where it will become a shrine for all who revere spotless character.

We recall that many years ago that gallant soldier of the North, Col. Charles Francis Adams, proposed such a statue and suggested the following inscription:

"Robert Edward Lee, erected by the contributions of those who wearing the blue or wearing the gray recognize brilliant military achievements and honor lofty character evinced by humanity in war and by devotion and dignity in defeat."

BOSTON CHAPTER, UNITED DAUGHTERS OF THE CONFEDERACY,
By LOUISE LONGAKER, *Chairman*.

ERNESTINE DAVIS.

MENA V. FRENCH.

MARGARET A. TAYLOR.

LOUISE J. WARE.

LOUISE C. RIDER, *President*.

CLARA F. DANIELS, *Recording Secretary*.

ERADICATION OF THE TENT CATERPILLAR

Mr. BARBOUR. Mr. President, I present and ask unanimous consent to have printed in full in the RECORD and appropriately referred a resolution adopted by the Board of Chosen Freeholders of the County of Passaic in the State of New Jersey, urging the enactment of House bill no. 8212,

1910.

CONGRESSIONAL RECORD—SENATE.

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control of the affairs of the Republican party, and therefore in control of government.

Mr. President, I now submit the resolutions or abstract of laws of 37 States, over three-fourths of the States of the Union, which have shown themselves as favoring election of Senators by direct vote of the people or by direct nominations, either by these resolutions or by actual practice in primaries.

I know that the leaders of the Republican party in the United States Senate will refuse to comply with the express desire of over three-fourths of the States in this matter, but they ought not to be understood by the people of the United States to have done this in ignorance, and for that reason I propose to insert in the RECORD the attitude of the 37 States that favor the election of Senators by direct vote of the people, and merely ask the simple question:

"Do the people rule?"

As it would take considerable time to read all these resolutions, I ask the consent of the Senate to insert them without reading except in so far as they may be needed.

The VICE-PRESIDENT. Without objection, the request is granted.

The matter referred to is as follows:

ALABAMA.

House joint resolution 36. By Mr. Bulger.

Whereas Article V of the Constitution of the United States provides that whenever two-thirds of both Houses (of Congress) shall deem it necessary, the Congress shall propose amendments to the Constitution; or, on application of the legislatures of two-thirds of the several States, shall call a convention proposing amendments, which in either case shall be valid to all intents and purposes; and

Whereas the legislatures of 27 States have applied to the Congress of the United States for the submission to the States of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; Therefore be it

Resolved by the house of representatives of the legislature of Alabama (the senate concurring), That the Sixty-first Congress of the United States is requested, and by this resolution application is made by the legislature of the State of Alabama to the Congress of the United States in its sixty-first session, to submit to the several States an amendment to the Constitution providing for the election of United States Senators by a direct vote of the people.

Resolved further, That a copy of this resolution be certified by the clerk of the house and secretary of the senate to the Speaker of the House and the President of the Senate of the United States.

We, Cyrus B. Brown, clerk of the house of representatives of the legislature of Alabama, special session, 1909, and James A. Kyle, secretary of the senate of Alabama, special session, 1909, do hereby certify that the page hereto attached contains a true, accurate, and literal copy of house joint resolution No. 36, introduced in the legislature of Alabama by Hon. Thomas L. Bulger, representative from Tallapoosa County, Ala., as the same appears of record in our respective offices. We do further certify that the said house joint resolution No. 36 has been adopted by the house of representatives and senate of Alabama at the special session of the legislature of Alabama for 1909.

Witness our hands this 10th day of August, A. D. 1909, and of the Independence of the United States of America the one hundred and thirty-fourth year.

CYRUS B. BROWN,

Clerk of the House of Representatives of Alabama.

J. A. KYLE,

Secretary of the Senate of Alabama.

The people of Alabama nominate United States Senators by voluntary party regulations. (Primary laws; optional; state wide; direct; 1903, p. 356.)

Arizona primary laws, 1905, chapter 68. Mandatory; state wide; convention system.

ARKANSAS.

House concurrent resolution No. 17.—Making an application to the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States to provide for the election of United States Senators by a direct vote of the qualified electors of the several States.

Be it resolved by the house of representatives and senate of the general assembly of the State of Arkansas, That the legislature of the said State of Arkansas, on behalf of the said State, hereby make application, in accordance with the provisions of Article V of the Constitution of the United States, to the Congress to call a convention to be composed of delegates from the several States of the Union, which convention when assembled shall propose as an amendment to the said Constitution a provision whereby Members of the United States Senate shall be elected by a direct vote of the qualified electors of the several States.

That a certified copy of this resolution shall be immediately transmitted by the governor to the President of the United States, to be by him presented to the Congress of the United States.

Approved April 25, 1901.

The people of Arkansas nominate United States Senators by voluntary party regulations. (Primary laws, 1905, chap. 328. Optional; rudimentary.)

CALIFORNIA.

STATE OF CALIFORNIA, Department of State:

I, C. F. Curry, secretary of state of the State of California, do hereby certify that I have carefully compared the annexed copy of Senate joint resolution No. 2, Statutes of 1900, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole thereof. Also, that this authentication is in due form and by the proper officer.

Witness my hand and the great seal of State, at office in Sacramento, Cal., the 10th day of April, A. D. 1908.

[SEAL.]

C. F. CURRY, Secretary of State.
By J. HOESCH, Deputy.

Chapter VII.—Senate joint resolution No. 2.—Relative to the election of United States Senators by direct vote of the people.

Whereas section 3 of Article I of the Constitution of the United States provides that "the Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years;" and

Whereas the present system for the election of United States Senators is subject to severe public criticism and divided public opinion arising from various causes; Therefore, be it

Resolved by the senate of the State of California, and the assembly, jointly, That our Senators in Congress be instructed, and our Representatives be requested, to vote for the submission of an amendment to the Constitution of the United States providing for the election of Senators by the direct vote of the electors of the respective States.

Resolved, That a copy of these resolutions be transmitted to our Senators and Representatives in Congress.

THOS. FLINT, Jr.,
President pro tempore of the Senate.
ALDEN ANDERSON,
Speaker of the Assembly.

Attest:

C. F. CURRY, Secretary of State.

The people of California nominate United States Senators by direct nomination through primary. (Primary laws. Mandatory in cities over 7,500, elsewhere optional; 1901, chap. 198; 1903, chap. 44; 1905, chaps. 173, 366; 1907, chaps. 340, 352.)

COLORADO.

An act requesting the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States, and urging an amendment to section 3, Article I, of the Constitution of the United States, which amendment shall provide for the election of United States Senators by a direct vote of the people of each State.

Be it enacted by the general assembly of the State of Colorado:

SECTION 1. Pursuant to Article V of the Constitution of the United States, application is hereby made to the Congress of the United States by the State of Colorado and the legislature of said State of Colorado to call a convention for proposing amendments to the Constitution of the United States.

SEC. 2. The general assembly of the State of Colorado desires to present and urge before the convention to be called, as provided in section 1 of this act, an amendment to section 3, Article I, of the Constitution of the United States, which shall provide for choosing Senators of the United States by the voters of each State, in lieu of the provision of said section 3, Article I, which requires that Senators of the United States shall be chosen in each State by the legislature thereof.

SEC. 3. The secretary of the State of Colorado shall transmit one copy of this act to the President of the United States, one copy to the President of the Senate of the United States, one copy to the Speaker of the House of Representatives of the United States, and one copy to the governor of each State, to the end that appropriate action may be had and taken by the Congress of the United States whenever and as soon as two-thirds in number of the States of this Union shall make similar application.

Approved April 1, 1901.

I, Alfred C. Montgomery, secretary to the governor, State of Colorado, do hereby certify that the above and foregoing is a full, true, and complete copy of senate bill No. 13, by Senator Parks, asking for a constitutional convention to amend the Constitution of the United States providing for the election of United States Senators, as the same is found on pages 115 and 116, in the Session Laws of Colorado, 1901.

ALFRED C. MONTGOMERY.

Colorado primary laws, 1887, page 347. Mandatory; state wide; rudimentary.

Connecticut primary laws, 1905, chapter 273; 1907, special acts, chapter 321. Rudimentary general law; optional direct primary law for Manchester.

Delaware primary laws, 1897, chapter 393; 1903, chapter 285. Mandatory; local; direct or indirect.

FLORIDA.

The people of Florida directly nominate United States Senators under protection of law of 1901. (Florida primary laws, 1903, chap. 5014; 1905, chap. 100; 1907, chap. 5613. Optional; state wide; direct or indirect.)

GEORGIA.

The people of Georgia, by voluntary party regulation through a primary protected by law, instruct the legislature in the selection of Senators. (Georgia primary laws, 1890-91, p. 210; 1900, p. 40; 1904, p. 97. Rudimentary.)

Mr. OWEN. I will read the resolution of Idaho, however:

IDAHO.

STATE OF IDAHO, Department of State:

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 2 by committee on privileges and elections, which was filed in this office the 27th day of February, A. D. 1901, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 14th day of March, A. D. 1908.

[SEAL.]

ROBERT LANSDON,
Secretary of State.

Mr. HEYBURN. Is that the memorial of Idaho which is being read?

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CONGRESSIONAL RECORD—SENATE.

MAY 31,

Mr. OWEN. I am about to read it now:

Joint memorial No. 2.—Requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of President, Vice-President, and United States Senators by direct vote of the people.

Whereas a large number of the state legislatures have at various times adopted memorials and resolutions in favor of election of President, Vice-President, and United States Senators by popular vote; and Whereas the National House of Representatives has on four separate occasions within recent years adopted resolutions in favor of this proposed change in the method of electing the President, Vice-President, and United States Senators, which were not adopted by the Senate; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of Idaho that the President, Vice-President, and United States Senators should be elected by a direct vote of the people: Therefore,

Be it resolved, That the legislature of the State of Idaho favors the adoption of an amendment to the Constitution which shall provide for the election of President, Vice-President, and United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing President, Vice-President, and United States Senators, so that they can be chosen in each State by a direct vote of the people.

Resolved, That a copy of this joint resolution and application to Congress for the calling of a convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the President of the United States Senate, the Speaker of the House of Representatives, and our Representatives in Congress.

This senate joint memorial passed the senate on the 14th day of February, 1901.

THOS. F. TERRELL,
President of the Senate.

This senate joint memorial passed the house of representatives on the 21st day of February, 1901.

GLENN P. MCKINLEY,
Speaker of the House of Representatives.

This senate joint memorial was received by the governor on the 26th day of February, 1901, at 5 o'clock p. m., and approved on the 26th day of February, 1901.

I hereby certify that the within senate joint memorial No. 2, entitled "A memorial requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of President, Vice-President, and United States Senators by direct vote of the people," originated in the senate of Idaho during the sixth session.

WM. V. HELFRICH,
Secretary of the Senate.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. I yield.

Mr. HEYBURN. I trust the Senator from Oklahoma will yield, merely that I may say that while that is certified by the Republican secretary of state, the certificate is of a resolution passed by a Democratic legislature. McKinley was the speaker of the house, but it was a Democratic legislature, and the resolution does not represent the Republican views of Idaho. That was a legislature—

Mr. OWEN. I am willing to let the Republican views of Idaho be represented by the Senator from Idaho.

Mr. HEYBURN. Yes; but I was not going to give the Republican views on this occasion. I stand ready to give them at any time; but I did not want the impression to go out that that was the action of a Republican legislature.

Mr. OWEN. The people of Idaho directly nominate United States Senators. (Idaho primary laws, 1903, p. 360. Mandatory; state wide; rudimentary.)

ILLINOIS.

To all to whom these presents shall come, greeting:

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the following and hereto attached is a true copy of senate joint resolution No. 5 of the forty-third general assembly, adopted by the senate February 10, 1903, and concurred in by the house April 9, 1903, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of State. Done at the city of Springfield this 10th day of March, A. D. 1908.

[SEAL.]

JAMES A. ROSE,
Secretary of State.

Whereas by direct vote of the people of the State of Illinois at a general election held in said State on the 4th day of November, A. D. 1902, it was voted that this general assembly take the necessary steps under Article V of the Constitution of the United States to bring about the election of United States Senators by direct vote of the people; and

Whereas Article V of the Constitution of the United States provides that on the application of the legislatures of two-thirds of the several States the Congress of the United States shall call a convention for proposing amendments: Now, therefore, in obedience to the expressed will of the people as expressed at the said election, be it

Resolved by the senate (the house of representatives concurring herein), That application be and is hereby made to the Congress of the United States to call a convention for proposing amendments to the

Constitution of the United States, as provided for in said Article V; and be it further

Resolved, That the secretary of state do furnish to the President of the Senate of the United States and to the Speaker of the House of Representatives of the United States, to each, one copy of this resolution, properly certified under the great seal of the State.

Adopted by the senate February 10, 1903.

J. H. PADDOCK,
Secretary of the Senate.
W. A. NORTHCOTT,
President of the Senate.

Concurred in by the house April 9, 1903.

JNO. A. REEVE,
Clerk of the House of Representatives.
JOHN H. MILLER,
Speaker of the House of Representatives.

The people of Illinois now directly nominate United States Senators under the protection of the law of 1908. (Illinois primary laws, 1908. Mandatory; state wide; direct.)

Indiana passed a similar resolution, only it relates to United States Senators alone.

INDIANA.

STATE OF INDIANA, Office of Secretary of State:

I, Fred A. Sims, secretary of state of the State of Indiana, and being the officer who under the constitution and laws thereof is the custodian of the enrolled acts of the general assembly, do hereby certify that the attached is a full, true, and complete copy of the house joint resolution No. 4, approved March 11, 1907, and filed in the office of the secretary of state, as the law provides.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Indiana, at Indianapolis, this 19th day of March, 1908.

[SEAL.]

FRED A. SIMS,
Secretary of State.
FRANK I. GRUBBS,
Deputy.

Chapter 209.—Joint resolution of the sixty-fifth general assembly of the State of Indiana, making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States. (H. 4, joint resolution. Approved March 11, 1907.)

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore

SECTION 1. Be it resolved by the general assembly of the State of Indiana, That the legislature of the State of Indiana hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States. Sec. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

Indiana primary laws, 1907, chapter 282. Partly mandatory, partly optional; local; direct.

IOWA.

STATE OF IOWA, Secretary of State:

I, W. C. Hayward, secretary of state of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of senate joint resolution No. 2, making application to the United States Congress to call convention for proposing amendments to the Constitution of the United States. Adopted by the thirty-second general assembly of the State of Iowa March 12, A. D. 1907, as the same appears of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of the secretary of state of the State of Iowa.

Done at Des Moines, the capital of the State, April 20, 1908.

[SEAL.]

W. C. HAYWARD,
Secretary of State.

Senate joint resolution 2.—Making application to United States Congress to call convention for proposing amendments to the Constitution of the United States.

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore

Be it resolved by the general assembly of the State of Iowa, That the legislature of the State of Iowa hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

Sec. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

Approved March 12, A. D. 1907.

STATE OF IOWA, Secretary of State:

I, W. C. Hayward, secretary of state of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 9 as passed by the thirty-third gen-

7114

CONGRESSIONAL RECORD—SENATE.

MAY 31,

Mr. OWEN. I am about to read it now:

Joint memorial No. 2.—Requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of President, Vice-President, and United States Senators by direct vote of the people.

Whereas a large number of the state legislatures have at various times adopted memorials and resolutions in favor of election of President, Vice-President, and United States Senators by popular vote; and Whereas the National House of Representatives has on four separate occasions within recent years adopted resolutions in favor of this proposed change in the method of electing the President, Vice-President, and United States Senators, which were not adopted by the Senate; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of Idaho that the President, Vice-President, and United States Senators should be elected by a direct vote of the people: Therefore,

Be it resolved, That the legislature of the State of Idaho favors the adoption of an amendment to the Constitution which shall provide for the election of President, Vice-President, and United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing President, Vice-President, and United States Senators, so that they can be chosen in each State by a direct vote of the people.

Resolved, That a copy of this joint resolution and application to Congress for the calling of a convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the President of the United States Senate, the Speaker of the House of Representatives, and our Representatives in Congress.

This senate joint memorial passed the senate on the 14th day of February, 1901.

THOS. F. TERRELL,
President of the Senate.

This senate joint memorial passed the house of representatives on the 21st day of February, 1901.

GLENN P. MCKINLEY,
Speaker of the House of Representatives.

This senate joint memorial was received by the governor on the 26th day of February, 1901, at 5 o'clock p. m., and approved on the 26th day of February, 1901.

I hereby certify that the within senate joint memorial No. 2, entitled "A memorial requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of President, Vice-President, and United States Senators by direct vote of the people," originated in the senate of Idaho during the sixth session.

WM. V. HELFRICH,
Secretary of the Senate.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. I yield.

Mr. HEYBURN. I trust the Senator from Oklahoma will yield, merely that I may say that while that is certified by the Republican secretary of state, the certificate is of a resolution passed by a Democratic legislature. McKinley was the speaker of the house, but it was a Democratic legislature, and the resolution does not represent the Republican views of Idaho. That was a legislature—

Mr. OWEN. I am willing to let the Republican views of Idaho be represented by the Senator from Idaho.

Mr. HEYBURN. Yes; but I was not going to give the Republican views on this occasion. I stand ready to give them at any time; but I did not want the impression to go out that that was the action of a Republican legislature.

Mr. OWEN. The people of Idaho directly nominate United States Senators. (Idaho primary laws, 1903, p. 360. Mandatory; state wide; rudimentary.)

ILLINOIS.

To all to whom these presents shall come, greeting:

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the following and hereto attached is a true copy of senate joint resolution No. 5 of the forty-third general assembly, adopted by the senate February 10, 1903, and concurred in by the house April 9, 1903, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of State. Done at the city of Springfield this 10th day of March, A. D. 1908.

[SEAL.]

JAMES A. ROSE,
Secretary of State.

Whereas by direct vote of the people of the State of Illinois at a general election held in said State on the 4th day of November, A. D. 1902, it was voted that this general assembly take the necessary steps under Article V of the Constitution of the United States to bring about the election of United States Senators by direct vote of the people; and

Whereas Article V of the Constitution of the United States provides that on the application of the legislatures of two-thirds of the several States the Congress of the United States shall call a convention for proposing amendments: Now, therefore, in obedience to the expressed will of the people as expressed at the said election, be it

Resolved by the senate (the house of representatives concurring herein), That application be and is hereby made to the Congress of the United States to call a convention for proposing amendments to the

Constitution of the United States, as provided for in said Article V; and be it further

Resolved, That the secretary of state do furnish to the President of the Senate of the United States and to the Speaker of the House of Representatives of the United States, to each, one copy of this resolution, properly certified under the great seal of the State.

Adopted by the senate February 10, 1903.

J. H. PADDOCK,
Secretary of the Senate.
W. A. NORTHCOTT,
President of the Senate.

Concurred in by the house April 9, 1903.

JNO. A. REEVE,
Clerk of the House of Representatives.
JOHN H. MILLER,
Speaker of the House of Representatives.

The people of Illinois now directly nominate United States Senators under the protection of the law of 1908. (Illinois primary laws, 1908. Mandatory; state wide; direct.)

Indiana passed a similar resolution, only it relates to United States Senators alone.

INDIANA.

STATE OF INDIANA, Office of Secretary of State:

I, Fred A. Sims, secretary of state of the State of Indiana, and being the officer who under the constitution and laws thereof is the custodian of the enrolled acts of the general assembly, do hereby certify that the attached is a full, true, and complete copy of the house joint resolution No. 4, approved March 11, 1907, and filed in the office of the secretary of state, as the law provides.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Indiana, at Indianapolis, this 19th day of March, 1908.

[SEAL.]

FRED A. SIMS,
Secretary of State.
FRANK I. GRUBBS,
Deputy.

Chapter 209.—Joint resolution of the sixty-fifth general assembly of the State of Indiana, making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States. (H. 4, joint resolution. Approved March 11, 1907.)

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore

SECTION 1. Be it resolved by the general assembly of the State of Indiana, That the legislature of the State of Indiana hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States. Sec. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

Indiana primary laws, 1907, chapter 282. Partly mandatory, partly optional; local; direct.

IOWA.

STATE OF IOWA, Secretary of State:

I, W. C. Hayward, secretary of state of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of senate joint resolution No. 2, making application to the United States Congress to call convention for proposing amendments to the Constitution of the United States. Adopted by the thirty-second general assembly of the State of Iowa March 12, A. D. 1907, as the same appears of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of the secretary of state of the State of Iowa.

Done at Des Moines, the capital of the State, April 20, 1908.

[SEAL.]

W. C. HAYWARD,
Secretary of State.

Senate joint resolution 2.—Making application to United States Congress to call convention for proposing amendments to the Constitution of the United States.

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore

Be it resolved by the general assembly of the State of Iowa, That the legislature of the State of Iowa hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

Sec. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

Approved March 12, A. D. 1907.

STATE OF IOWA, Secretary of State:

I, W. C. Hayward, secretary of state of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 9 as passed by the thirty-third gen-

7114

CONGRESSIONAL RECORD—SENATE.

MAY 31,

Mr. OWEN. I am about to read it now:

Joint memorial No. 2.—Requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of President, Vice-President, and United States Senators by direct vote of the people.

Whereas a large number of the state legislatures have at various times adopted memorials and resolutions in favor of election of President, Vice-President, and United States Senators by popular vote; and Whereas the National House of Representatives has on four separate occasions within recent years adopted resolutions in favor of this proposed change in the method of electing the President, Vice-President, and United States Senators, which were not adopted by the Senate; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of Idaho that the President, Vice-President, and United States Senators should be elected by a direct vote of the people: Therefore,

Be it resolved, That the legislature of the State of Idaho favors the adoption of an amendment to the Constitution which shall provide for the election of President, Vice-President, and United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing President, Vice-President, and United States Senators, so that they can be chosen in each State by a direct vote of the people.

Resolved, That a copy of this joint resolution and application to Congress for the calling of a convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the President of the United States Senate, the Speaker of the House of Representatives, and our Representatives in Congress.

This senate joint memorial passed the senate on the 14th day of February, 1901.

THOS. F. TERRELL,
President of the Senate.

This senate joint memorial passed the house of representatives on the 21st day of February, 1901.

GLENN P. MCKINLEY,
Speaker of the House of Representatives.

This senate joint memorial was received by the governor on the 26th day of February, 1901, at 5 o'clock p. m., and approved on the 26th day of February, 1901.

I hereby certify that the within senate joint memorial No. 2, entitled "A memorial requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of President, Vice-President, and United States Senators by direct vote of the people," originated in the senate of Idaho during the sixth session.

WM. V. HELFRICH,
Secretary of the Senate.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. I yield.

Mr. HEYBURN. I trust the Senator from Oklahoma will yield, merely that I may say that while that is certified by the Republican secretary of state, the certificate is of a resolution passed by a Democratic legislature. McKinley was the speaker of the house, but it was a Democratic legislature, and the resolution does not represent the Republican views of Idaho. That was a legislature—

Mr. OWEN. I am willing to let the Republican views of Idaho be represented by the Senator from Idaho.

Mr. HEYBURN. Yes; but I was not going to give the Republican views on this occasion. I stand ready to give them at any time; but I did not want the impression to go out that that was the action of a Republican legislature.

Mr. OWEN. The people of Idaho directly nominate United States Senators. (Idaho primary laws, 1903, p. 360. Mandatory; state wide; rudimentary.)

ILLINOIS.

To all to whom these presents shall come, greeting:

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the following and hereto attached is a true copy of senate joint resolution No. 5 of the forty-third general assembly, adopted by the senate February 10, 1903, and concurred in by the house April 9, 1903, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of State. Done at the city of Springfield this 10th day of March, A. D. 1908.

[SEAL.]

JAMES A. ROSE,
Secretary of State.

Whereas by direct vote of the people of the State of Illinois at a general election held in said State on the 4th day of November, A. D. 1902, it was voted that this general assembly take the necessary steps under Article V of the Constitution of the United States to bring about the election of United States Senators by direct vote of the people; and

Whereas Article V of the Constitution of the United States provides that on the application of the legislatures of two-thirds of the several States the Congress of the United States shall call a convention for proposing amendments: Now, therefore, in obedience to the expressed will of the people as expressed at the said election, be it

Resolved by the senate (the house of representatives concurring herein), That application be and is hereby made to the Congress of the United States to call a convention for proposing amendments to the

Constitution of the United States, as provided for in said Article V; and be it further

Resolved, That the secretary of state do furnish to the President of the Senate of the United States and to the Speaker of the House of Representatives of the United States, to each, one copy of this resolution, properly certified under the great seal of the State.

Adopted by the senate February 10, 1903.

J. H. PADDOCK,
Secretary of the Senate.
W. A. NORTHCOTT,
President of the Senate.

Concurred in by the house April 9, 1903.

JNO. A. REEVE,
Clerk of the House of Representatives.
JOHN H. MILLER,
Speaker of the House of Representatives.

The people of Illinois now directly nominate United States Senators under the protection of the law of 1908. (Illinois primary laws, 1908. Mandatory; state wide; direct.)

Indiana passed a similar resolution, only it relates to United States Senators alone.

INDIANA.

STATE OF INDIANA, Office of Secretary of State:

I, Fred A. Sims, secretary of state of the State of Indiana, and being the officer who under the constitution and laws thereof is the custodian of the enrolled acts of the general assembly, do hereby certify that the attached is a full, true, and complete copy of the house joint resolution No. 4, approved March 11, 1907, and filed in the office of the secretary of state, as the law provides.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Indiana, at Indianapolis, this 19th day of March, 1908.

[SEAL.]

FRED A. SIMS,
Secretary of State.
FRANK I. GRUBBS,
Deputy.

Chapter 209.—Joint resolution of the sixty-fifth general assembly of the State of Indiana, making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States. (H. 4, joint resolution. Approved March 11, 1907.)

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore

SECTION 1. Be it resolved by the general assembly of the State of Indiana, That the legislature of the State of Indiana hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States. Sec. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

Indiana primary laws, 1907, chapter 282. Partly mandatory, partly optional; local; direct.

IOWA.

STATE OF IOWA, Secretary of State:

I, W. C. Hayward, secretary of state of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of senate joint resolution No. 2, making application to the United States Congress to call convention for proposing amendments to the Constitution of the United States. Adopted by the thirty-second general assembly of the State of Iowa March 12, A. D. 1907, as the same appears of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of the secretary of state of the State of Iowa.

Done at Des Moines, the capital of the State, April 20, 1908.

[SEAL.]

W. C. HAYWARD,
Secretary of State.

Senate joint resolution 2.—Making application to United States Congress to call convention for proposing amendments to the Constitution of the United States.

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore

Be it resolved by the general assembly of the State of Iowa, That the legislature of the State of Iowa hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

Sec. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

Approved March 12, A. D. 1907.

STATE OF IOWA, Secretary of State:

I, W. C. Hayward, secretary of state of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 9 as passed by the thirty-third gen-

ting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for completion of Elbow of Cross Ledge light station, New Jersey—to the Committee on Appropriations, and ordered to be printed.

Application of the legislature of Kansas for the calling of a constitutional convention to consider amendments to the Constitution of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8762) to finally adjust the swamp-land grants, and for other purposes, reported the same without amendment, accompanied by a report (No. 7617); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DIXON of Montana, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 22599) to grant certain lands to the city of Boulder, Colo., reported the same with amendment, accompanied by a report (No. 7618); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 23826) for the settlement of conflicting claims of the State of Wisconsin and its grantees and of the La Pointe band and other Chippewa Indians to lands on sections 16 in La Pointe Indian Reservation, in Ashland County, Wis., reported the same with amendment, accompanied by a report (No. 7619); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 8362) to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort Douglas, Utah, reported the same without amendment, accompanied by a report (No. 7624); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HARDWICK, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 24117) to establish an assay office at Dahlonega, in Lumpkin County, Ga., reported the same with amendment, accompanied by a report (No. 7626); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL, of Ohio, from the Committee on Patents, to which was referred the bill of the Senate (S. 7676) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 7628); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25542) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906, reported the same without amendment, accompanied by a report (No. 7620); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 8274) to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn., reported the same without amendment, accompanied by a report (No. 7621); which said bill and report were referred to the House Calendar.

Mr. BARTHOLOMT, from the Committee on Labor, to which was referred the bill of the House (H. R. 25605) to establish the Foundation for the Promotion of Industrial Peace, reported the same with amendment, accompanied by a report (No. 7627); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bill of the following title was reported from committee, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BURNETT, from the Committee on the Public Lands, to

which was referred the bill of the House (H. R. 22182) to authorize W. D. Clay and others to select lands in lieu of lands purchased by the father of said parties from the United States Government and lost by said heirs, reported the same with amendment, accompanied by a report (No. 7625); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. GROSVENOR, from the Committee on Ways and Means, to which was referred the resolution of the House (H. Res. 829) regarding tariff negotiations with Germany, reported the same adversely, accompanied by a report (No. 7622); which said resolution and report were laid on the table.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19941) to remove the charge of desertion against John Roper, as of Battery L, First United States Artillery, reported the same adversely, accompanied by a report (No. 7623); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 25671) to authorize the construction of a bridge across the Grand Calumet River, State of Illinois—to the Committee on Interstate and Foreign Commerce.

By Mr. DIXON of Montana: A bill (H. R. 25672) to amend an act entitled "An act to authorize the Ox Bow Company, of South Dakota, to construct a dam across the Missouri River"—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Alabama (by request): A bill (H. R. 25673) for the purpose of improving the navigation of the Tennessee River over the Elk River shoals and the Big and Little Muscle shoals, in the State of Alabama, by the construction of locks and dams, and to authorize the construction, maintenance, and operation of power stations in connection therewith—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: A bill (H. R. 25674) making a temporary addition to the compensation of the civil employees of the Government—to the Committee on Appropriations.

By Mr. KENNEDY of Nebraska: A joint resolution (H. J. Res. 243) instructing the Interstate Commerce Commission to investigate as to the legality of the business done by the various express companies in the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. MUDD: A joint resolution (H. J. Res. 244) authorizing the President to make investigation into the "Regie contract" system of the purchase and sale of American tobacco in foreign markets—to the Committee on Ways and Means.

By Mr. SHACKLEFORD: A resolution (H. Res. 840) to amend Rule X of the House of Representatives—to the Committee on Rules.

By Mr. GRANGER: A resolution (H. Res. 841) requesting the Secretary of the Department of Commerce and Labor to report to the House of Representatives the evidence taken in the investigation into the recent collision off Block Island, Rhode Island, resulting in the sinking of the steamer *Larchmont*, and the findings and result of such investigation—to the Committee on the Merchant Marine and Fisheries.

By Mr. WACHTER: A resolution (H. Res. 842) authorizing the appointment of two assistant clerks to the Committee on Enrolled Bills—to the Committee on Accounts.

By Mr. GRONNA: Memorial of the legislature of North Dakota, relating to grain inspection—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERSOCK: Memorial of the legislature of Kansas, asking pensions for the survivors of the battle of Beecher Island—to the Committee on Pensions.

Also, memorial of the legislature of Kansas, favoring an amendment to the Constitution of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 25675) for the relief of George W. Peterson—to the Committee on Military Affairs.

culosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District; and

H. J. Res. 179. Joint resolution amending the joint resolution for the relief of storm sufferers in Alabama, Georgia, Mississippi, and Louisiana, approved April 30, 1908.

The VICE-PRESIDENT presented a joint resolution of the legislature of Louisiana, which was referred to the Committee on Privileges and Elections and ordered to be printed in the Record, as follows:

Joint resolution making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States.

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore be it

Resolved by the general assembly of the State of Louisiana:

SECTION 1. That the legislature of the State of Louisiana hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

SEC. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

J. W. HYAMS,
Speaker of the House of Representatives.

J. Y. SANDERS,
Lieutenant-Governor and President of the Senate.

Approved November 25, 1907.

NEWTON C. BLANCHARD,
Governor of the State of Louisiana.

A true copy.
[SEAL.]

JOHN T. MICHEL,
Secretary of State.

The VICE-PRESIDENT presented a memorial of the Indiana Bridge Company, of Muncie, Ind., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of the Indiana State Federation of Women's Clubs, of Elkhart, Ind., praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of Local Union No. 12, International Brotherhood of Paper Makers, of Fitchburg, Mass., and a memorial of the American Paper and Pulp Association, of New York, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. CULLOM presented petitions of sundry citizens and labor organizations of Sycamore, Peoria, Chicago, Champaign, Bloomington, and Kewanee, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PLATT presented petitions of sundry citizens of Albany and Syracuse, in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented the memorial of George A. Haskell, of New York City, N. Y., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. MARTIN. I present a joint resolution of the legislature of Virginia, which I ask may be read and referred to the Committee on Coast Defenses.

There being no objection, the joint resolution was read and referred to the Committee on Coast Defenses, as follows:

Joint resolution.

Be it resolved by the house of delegates of the State of Virginia (the senate concurring), That the representatives of the State of Virginia in the Senate and the House of Representatives of the Congress of the United States, now in session at Washington, D. C., be, and they are hereby, requested to urge the passage of H. R. bill No. 4348, introduced by the Hon. H. L. MAYNARD, to provide for acquirement, by condemnation, of lands at Cape Henry, Va., for the purposes of fortifications and coast defenses, and that said fortifications may be provided as speedily as possible.

Agreed to, general assembly of Virginia January 15, 1908.

JOHN W. WILLIAMS,
Clerk House of Delegates and Keeper of Rolls of Virginia.

Mr. MARTIN. I present a joint resolution of the legislature of Virginia, which I ask may be read and referred to the Committee on Commerce.

There being no objection, the joint resolution was read and referred to the Committee on Commerce, as follows:

Joint resolution.

Whereas the question of an inland waterway along the Atlantic coast for the passage of large vessels and ships of war is being agitated, and the fact that such route would be of great advantage from a strategic standpoint in case of war, as well as of great importance from a commercial standpoint, and would permit safe water transportation south, avoiding the dangerous coast off Hatteras, which is of such a menace to commerce, causing high insurance for valuable cargoes, thereby increasing freight rates, etc.; and

Whereas upon the completion of the Panama Canal an inland waterway will be essentially necessary to afford quick transportation under all conditions of weather, and will be of great benefit, especially to the farmers of the country in transporting their produce through this route, thence through the Panama Canal to the Far East to new and larger fields of trade: Therefore, be it

Resolved by the house of delegates (the senate concurring), That our Senators and Representatives in the Congress of the United States be, and they are hereby, requested to use their influence and vote for the passage of a bill embracing a liberal appropriation for an inland waterway along the Atlantic coast; and that before any route is finally selected through this State, our Representatives in Congress are further directed to request the Secretary of the Navy to appoint a board of naval officers to ascertain, upon inspection, the best route, in their opinion, from a naval standpoint, taking into consideration all the advantages other than from an engineering standpoint, which is fully covered by the report of the Army engineers, and this report to be submitted to Congress by the Secretary of the Navy for its information and guidance in dealing with the question.

It is directed that the clerk of this house forward certified copies of these resolutions to the President of the United States, the Secretary of the Navy, the presiding officers of both Houses of Congress, and to each of Virginia's representatives in the Congress of the United States. Agreed to by the general assembly of Virginia January 14, 1908.

JOHN W. WILLIAMS,
Clerk House of Delegates and Keeper of Rolls of Virginia.

Mr. MARTIN presented sundry papers to accompany the bill (S. 5242) for the relief of Genevieve Griswold Kennon, which were referred to the Committee on Claims.

He also presented a petition of the Chamber of Commerce of Richmond, Va., praying that an appropriation be made for the erection of a suitable monument over the grave of ex-President John Tyler, of Virginia, which was referred to the Committee on the Library.

Mr. HEMENWAY presented petitions of sundry citizens and labor organizations of Wabash, Muncie, Midland, Madison, Newburg, Elkhart, Fort Wayne, Ayrshire, Washington, Peru, Brazil, Kokomo, East Chicago, Cayuga, Milltown, Evansville, Bedford, Indianapolis, Montgomery, Richmond, Jaxsonville, South Bend, and Terre Haute, all in the State of Indiana, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Indianapolis and West Indianapolis, in the State of Indiana, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. du PONT presented sundry petitions of citizens of Wilmington, Del., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented petitions of sundry citizens and labor organizations of Kalamazoo, Houghton, Traverse City, Grand Rapids, South Haven, Menominee, Bay City, Detroit, Adrian, and Muskegon, all in the State of Michigan, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted at a meeting of sundry Polish citizens of Detroit, Mich., expressing their disapproval of the Polish expropriation law enacted by the Prussian Diet, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Central Trades Council of Bay City, Mich., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

Mr. DEPEW presented petitions of sundry citizens of Plattsburg, Kingston, Glens Falls, Yonkers, Albany, New York City, Troy, Buffalo, Flushing, Olean, Syracuse, Ithaca, Utica, Oneonta, Batavia, Elmira, Cohoes, Brooklyn, Watertown, Tonawanda, Newburgh, Corinth, and Schenectady, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of sundry citizens of High Point, N. C., and a petition of sundry citizens of Bryson

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NOLAND:

H. R. 5130. A bill to amend the Servicemen's Readjustment Act of 1944 to extend the period during which readjustment allowances may be paid; to the Committee on Veterans' Affairs.

By Mr. CANNON:

H. R. 5131. A bill to amend paragraph 207 of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. DEGRAFFENRIED:

H. R. 5132. A bill granting an additional exemption of \$600 for income-tax purposes for totally disabled dependents; to the Committee on Ways and Means.

By Mr. ELLSWORTH:

H. R. 5133. A bill authorizing the Kentucky drainage district to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Kentucky Slough; to the Committee on Public Works.

By Mr. HILL:

H. R. 5134. A bill to promote development in cooperation with the State of Colorado of the fish, wildlife, and recreational aspects of the Colorado-Big Thompson Federal reclamation project; to the Committee on Public Lands.

By Mr. REED of New York:

H. R. 5135. A bill to confer jurisdiction on the courts of the State of New York with respect to civil actions between Indians or to which Indians are parties; to the Committee on Public Lands.

By Mr. CELLER:

H. R. 5136. A bill to require a witness seeking immunity from prosecution under certain acts to claim his privilege against self-incrimination; to the Committee on the Judiciary.

By Mr. COMBS:

H. R. 5137. A bill to provide for the appointment of an additional Federal district judge for the eastern district of Texas; to the Committee on the Judiciary.

By Mr. MULTER:

H. R. 5138. A bill to increase the compensation of Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. PATMAN:

H. R. 5139. A bill to increase fines to \$50,000 under sections 1, 2, and 3 of the Sherman Act; to the Committee on the Judiciary.

By Mr. PHILBIN:

H. R. 5140. A bill to provide for the enlistment of aliens in the Regular Army; to the Committee on Armed Services.

By Mr. PLUMLEY:

H. R. 5141. A bill to authorize the construction of a research laboratory for the Quartermaster Corps, United States Army, at a location to be selected by the Secretary of Defense; to the Committee on Armed Services.

By Mr. SADOWSKI:

H. R. 5142. A bill to provide for direct Federal loans to meet the housing needs of moderate-income families, to provide liberalized credit to reduce the cost of housing for such families, and for other purposes; to the Committee on Banking and Currency.

By Mr. THORNBERRY:

H. R. 5143. A bill to authorize the Postmaster General to perform certain administrative functions, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WELCH of California:

H. R. 5144. A bill to authorize the appointment of one additional district judge for the northern district of California and one additional district judge for the southern district of California; to the Committee on the Judiciary.

By Mr. BLAND (by request):

H. R. 5145. A bill to provide for the addition of certain lands to the George Washington Birthplace National Monument in the State of Virginia, and for other purposes; to the Committee on Public Lands.

By Mr. LANE:

H. R. 5146. A bill to create a Federal Unemployment Relief Administration to relieve unemployment by providing work on local public improvement and maintenance projects; to the Committee on Public Works.

By Mr. VAN ZANDT:

H. R. 5147. A bill relating to the use of natural gas as fuel at the atomic energy installation at Oak Ridge, Tenn.; to the Joint Committee on Atomic Energy.

By Mr. DOYLE:

H. Con. Res. 92. Concurrent resolution to seek development of the United Nations into a world federation; to the Committee on Foreign Affairs.

By Mr. GORDON:

H. Con. Res. 93. Concurrent resolution to seek development of the United Nations into a world federation; to the Committee on Foreign Affairs.

By Mr. JOHNSON:

H. Con. Res. 94. Concurrent resolution to seek development of the United Nations into a world federation; to the Committee on Foreign Affairs.

By Mr. PETERSON:

H. Res. 251. Resolution providing for the consideration of H. R. 4424, a bill to provide for the settlement of certain parts of Alaska by war veterans; to the Committee on Rules.

By Mr. DAWSON:

H. Res. 252. Resolution providing for the expenses of conducting the studies and investigations authorized by rule XI (1) (h) incurred by the Committee on Expenditures in the Executive Departments; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, requesting the adoption of Senate Joint Resolution 4 or House Joint Resolution 3, authorizing a suit in the United States Supreme Court to adjudicate the respective rights of the States of Arizona, Nevada, and California to the use of the water of the Colorado River; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to supplemental direct loans to veterans; to the Committee on Veterans' Affairs.

Also, memorial of the Legislature of the State of Connecticut, memorializing the President and the Congress of the United States relative to the calling of a convention for the sole purpose of proposing amendments to the Constitution which are appropriate to authorize the United States to negotiate with other nations, subject to later ratification, a constitution of a world federal government, open to all nations, with limited powers adequate to assure peace; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT:

H. R. 5148. A bill to confer jurisdiction upon the District Court for the Territory of Alaska to hear, determine, and render judgment upon the claim, or claims, of Hilda

Links and E. J. Ohman, partners, and Fred L. Kroesing, all of Anchorage, Alaska; to the Committee on the Judiciary.

By Mr. BENTSEN:

H. R. 5149. A bill for the relief of Fernando Aboltiz; to the Committee on the Judiciary.

By Mr. DOYLE:

H. R. 5150. A bill for the relief of Ira D. Doyal and Clyde Doyal; to the Committee on the Judiciary.

H. R. 5151. A bill for the relief of the estate of Louridine Livermore and the estate of Dorothy E. Douglas; to the Committee on the Judiciary.

By Mr. GOODWIN:

H. R. 5152. A bill for the relief of Manuel M. Leonardo; to the Committee on the Judiciary.

By Mr. LEONARD W. HALL:

H. R. 5153. A bill to provide for the advancement on the retired list of the Army of Maj. Robert L. Nesbit; to the Committee on Armed Services.

By Mr. HEFFERNAN:

H. R. 5154. A bill for the relief of the estate of Anthony Kursa, deceased; to the Committee on the Judiciary.

By Mr. HINSHAW:

H. R. 5155. A bill for the relief of Francesca Lucarelli, a minor; to the Committee on the Judiciary.

By Mr. LEMKE (by request):

H. R. 5156. A bill for the relief of Avak Hagopian; to the Committee on the Judiciary.

By Mr. McCORMACK:

H. R. 5157. A bill for the relief of the legal guardian of Anthony Albanese, a minor; to the Committee on the Judiciary.

By Mr. PATTERSON:

H. R. 5158. A bill for the relief of Marie C. Araujo; to the Committee on the Judiciary.

By Mrs. ROGERS of Massachusetts:

H. R. 5159. A bill for the relief of Mother Anna DiGiorgi; to the Committee on the Judiciary.

By Mr. ROONEY:

H. R. 5160. A bill for the relief of Mrs. Giustina Schiano Lomoriello; to the Committee on the Judiciary.

By Mr. WOLVERTON:

H. R. 5161. A bill for the relief of Mortimer L. Nottebrock; to the Committee on the Judiciary.

By Mr. JENNINGS:

H. Res. 253. Resolution for the relief of John B. H. Waring; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1073. By Mr. HALE: Petition of the Maine Society of the Sons of the American Revolution, asking for an independent and impartial investigation of interstate traffic in subversive textbooks and teaching materials; to the Committee on Rules.

1074. By Mr. HART: Petition of the seventy-fifth annual convention of the diocese of Newark, urging that Members of Congress from New Jersey be notified that the convention is in favor of a program of slum clearance and the extension of low-rent housing; to the Committee on Banking and Currency.

1075. Also, petition of the Holy Name Society of St. Augustine's Church, of Union City, N. J., unequivocally condemning the Communist government in Hungary for imprisonment of His Eminence Josef Cardinal Mindzenty and urging the President and the Congress of the United States to use every effort to effect the release of the cardinal and to guarantee to all men the freedom of

The PRESIDING OFFICER. The question is on the motion to proceed to the consideration of executive business.

The motion was not agreed to; there being, on a division—ayes 15, noes 21.

Mr. WIGFALL. Mr. President—
Mr. SIMMONS. I would like the Senator from Texas to permit me to fix some day for the consideration of the tariff bill.

The PRESIDING OFFICER. Does the Senator from Texas give way to the Senator from Rhode Island?

Mr. CLINGMAN. With the permission of my friend from Texas, (as it is now four o'clock,) I move that the Senate adjourn, and this question will come up as unfinished business to-morrow.

The PRESIDING OFFICER. I understand the Senator from Texas to yield to that motion.

Mr. WIGFALL. I have no preference about it. I desire to answer the speech that has been made by the Senator from Tennessee. I should as soon do it now as to-morrow. It is a matter of no sort of consequence to me when I speak.

Mr. CLINGMAN. I withdraw the motion.

Mr. SIMMONS. As the Senator from Texas does not seem to be quite ready, I should like to have leave, while he is looking up his papers, to have an assignment made of this bill. I should like to make my motion if he is not quite ready.

The PRESIDING OFFICER. Does the Senator from Texas give way to the Senator from Rhode Island?

Mr. TRUMBULL. I am sure the Senator from Texas did not hear the Senator from Rhode Island.

Mr. WIGFALL. No, I did not; but I do not yield the floor.

Mr. TRUMBULL. He only wants to assign a bill for to-morrow.

Mr. GWIN. The Senator from Texas does not lose the floor by it.

Mr. WIGFALL. I will yield for him to make the motion, if I do not lose the floor.

Mr. SIMMONS. I move that the bill which was assigned for to-day at one o'clock, be assigned for to-morrow at one o'clock.

Mr. PUGH. I object. That bill remains the special order after this.

Mr. GWIN. It goes over of course.

Mr. SIMMONS. I make the motion. I do not suppose a single objection prevents it from being put.

Mr. PUGH. If the Senator from Texas yields the floor, I shall move to adjourn; if not, let him proceed.

Mr. SIMMONS. He yielded the floor to me, not to you. [Laughter.] I move to assign the bill for the collection of revenues, and make it the special order for to-morrow at one o'clock.

The PRESIDING OFFICER. There being another matter before the Senate—

Mr. PUGH. How does he get it in?

The PRESIDING OFFICER. It cannot get in, there being another matter before Senate, and objection being made.

Mr. CAMERON. Allow me an instant. I think the Senator from Texas will give way for a minute.

The PRESIDING OFFICER. Does the Senator from Texas give way to the Senator from Pennsylvania?

Mr. WIGFALL. I will give way to anybody if gentlemen will just get through with what they want, and then let me alone.

Mr. CAMERON. I see that it is late. ["Oh, no."'] Let me get through. It is strange that a man cannot say a word, without his friends all advising him to a particular course. I desire to move, in order that we shall get along smoothly and easily, that we now go into executive session, and finish up some business all-important to be done there, and allow the Senator from Texas to go on to-morrow, in the morning hour, and then take up these important bills. I move that the Senate go into executive session.

Mr. WIGFALL. It is understood that I have the floor for to-morrow, if this motion prevails?

The PRESIDING OFFICER. Of course you have the floor.

The question being put on Mr. CAMERON's motion, there were, on a division—ayes 22, noes 20.

EXECUTIVE SESSION.

So the motion was agreed to; and the Senate

proceeded to the consideration of executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 6, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I have received from the Governor of Kentucky certain resolutions adopted by the General Assembly of that Commonwealth, containing an application to Congress for the call of a convention for proposing amendments to the Constitution of the United States, with a request that I should immediately place the same before that body. It affords me great satisfaction to perform this duty; and I feel quite confident that Congress will bestow upon these resolutions the careful consideration to which they are eminently entitled, on account of the distinguished and patriotic source from which they proceed, as well as the great importance of the subject which they involve.

JAMES BUCHANAN.

WASHINGTON, February 5, 1861.

The message and accompanying resolutions were referred to the select committee of five, and ordered to be printed.

ORDNANCE DEPARTMENT.

The SPEAKER also laid before the House a communication from the Secretary of War, inclosing an estimate from the chief of ordnance for two important items omitted from the last annual estimates of the Department; which was referred to the Committee of Ways and Means, and ordered to be printed.

PRIVATE LAND CLAIMS IN NEW MEXICO.

The SPEAKER also laid before the House a communication from the acting Secretary of the Interior, transmitting a letter from the surveyor general of New Mexico in relation to the numbering of certain private land claims in that Territory; also, a communication from the same source, transmitting documents in the New Mexican private land claim of the heirs of Louis Maria C. de Baca.

The communications were referred to the Committee on Private Land Claims, and ordered to be printed.

CONDITION OF THE COUNTRY.

Mr. NIXON. I ask the consent of the House to present a memorial, signed by one thousand five hundred citizens of Camden, city and county, without distinction of party, asking for the passage of the Crittenden resolutions, or any other constitutional adjustment of the present troubles of the country. I am satisfied that a large majority of the people of the first congressional district of New Jersey are in favor of some reasonable adjustment by Congress of the difficulties which divide and distract the country.

The memorial was laid upon the table.

MEMORIALS FROM UTAH.

Mr. HOOPER, by unanimous consent, presented the memorial of the Governor and Legislature of Utah Territory praying for the construction of a railroad from some point on the Missouri river to Sacramento, California, via either the Box Elder or Lodge Pole creek pass, in the Black hills, Bridges pass, in the Rocky Mountains, Tempanogos or Provo river, and the most practicable pass in the Sierra Nevada mountains; and

The memorial of the Governor and Legislative Assembly of Utah Territory praying for a further appropriation of \$3,000 to the Utah library.

The memorials were severally referred to the Committee on Territories.

RICHARD CHENERY.

Mr. BURCH. I ask the unanimous consent of the House to discharge the Committee of the Whole House from the further consideration of House bill No. 171, for the relief of Richard Chenery.

The bill was read. It appropriates, for the purpose of paying the claim of Richard Chenery, of California, for furnishing and delivering, according to contract, to George P. Armstrong, temporary Indian agent for the tribes of Indians

on Russian river and at Clear lake, (as per Armstrong's receipts, dated March 23, and May 23, 1852,) one hundred thousand pounds of beef, at eight cents per pound, as set forth in the certificate of R. McKee, United States Indian agent and disbursing agent for California. The amount is to be paid by the Secretary of the Treasury to Richard Chenery, or to his legally authorized agent or assignee, upon receiving a full acquittance therefor, signed by Chenery, his agent or assignee.

Mr. SHERMAN. I must call for the regular order of business.

Mr. BURCH. There can be no objection to this bill; and I hope it will be passed.

Mr. SHERMAN. There is no reason why this bill should be taken up to the exclusion of everything else. I think the important public business of the country should be acted on first.

UTAH RESOLUTIONS—AGAIN.

Mr. GROW. I move to reconsider the reference of the resolutions of the Utah Legislature in favor of a Pacific railroad. The Committee on Territories has nothing to do with them. They should go to the committee on the Pacific railroad.

Mr. PHELPS. I think they had better go to the Committee on Territories.

Mr. GROW. Well, let them be referred to the Committee on Public Lands.

They were so referred.

RESOLUTIONS OF MINNESOTA LEGISLATURE.

Mr. WINDOM, by unanimous consent, presented joint resolutions of the Legislature of the State of Minnesota in regard to a Pacific railroad; which were laid on the table, and ordered to be printed.

DESTITUTION IN KANSAS.

Mr. SHERMAN. I call for the regular order of business.

Mr. WELLS. If the gentleman from Ohio will listen to me for a moment, I think he will yield to me. I desire to offer a joint resolution for the consideration of the House, in regard to the condition of the people of Kansas. A great public calamity now hangs over the people of that new State, and I think it is a matter which calls for consideration by Congress. I ask that the resolution which I propose may be considered by the House.

Mr. PHELPS. I object. Let us proceed with the regular order of business.

LOAN BILL.

The SPEAKER. The regular order of business is the consideration of the Senate amendments to the act (H. R. 972) authorizing a loan.

First amendment of the Senate:

After the word "such" insert the word "loan;" so that it will read, "that sealed proposals for such loan," &c.

Mr. PHELPS. I suppose there is no objection to that amendment. Let the question be taken upon it. I desire to say something on the second amendment.

The question was taken; and the first amendment was concurred in.

Second amendment of the Senate:

At the end of the bill, add the following new section: Sec. 5. And be it further enacted, That the act of June 22, 1860, entitled "An act authorizing a loan and providing for the redemption of notes," be, and the same is hereby, repealed.

Mr. PHELPS. I hope the House will concur in this amendment of the Senate. When this bill was under consideration in the House last week, I contended that it was the true policy of the Government to exhaust the residue of the loan authorized by the act of 22d June last, before we authorized a new loan to be made. I desired to have the third section of that law so modified that the Secretary of the Treasury might accept the best proposals that should be made by capitalists of the country for so much money as might be needed to defray the current expenses of the Government. The House did not, however, agree in the views which I entertained; and instead of exhausting the old loan, which authorizes the Secretary of the Treasury to obtain nearly fourteen million dollars, the House orders a new loan of \$25,000,000 to be negotiated. The condition of the Treasury, and the condition of the public credit of the country, should admonish us that we should proceed with caution in authorizing a

ceeded to and did recommend to Congress that the act of March 4, 1929, should contain a clause which in effect purports to take from the Shoshone Irrigation District and the Deaver Irrigation District the net profits from the Shoshone power plant and would apply them, first, to the repayment of cost of construction of said Shoshone power plant; second, to the repayment of the cost of construction of the Shoshone dam; and, third, to be paid into and retained by the reclamation fund of the United States of America; and

Whereas the Deaver Irrigation District entered into its contract with the United States Government only after making demand of the Bureau of Reclamation that it be allowed to contract for its proportionate share of the cost of construction of said power plant under then existing law, which provided for repayment of cost of construction on the 5 per cent crop repayment basis, and being refused such contract, they entered into the conditional contract aforementioned; and

Whereas on or about the 8th day of September, 1928, at a meeting at the reclamation office in Deaver, Wyo., demand was again made by the Deaver Irrigation District of Elwood Mead, Commissioner of the Bureau of Reclamation, in the presence of Hon. Roy O. West, Secretary of the Interior, and Hon. JOHN B. KENDRICK, United States Senator from Wyoming, and others, that the Deaver Irrigation District be given a contract for its proportionate share of said power plant under then existing law, which then provided for repayment on the 40-year basis for its proportionate share, and in response thereto assurance was given by said Elwood Mead that the Deaver Irrigation District need have no worry over the matter, because he would see that the said district's rights to its share of the profits from the Shoshone power plant would be protected; and

Whereas the decision of the Secretary of the Interior on the North Platte project, which has confirmed to the unit holders and landowners of said project, their rights given them in said fact finders' act to all the net profits of the North Platte project power plants, in effect takes largely from Wyoming power-plant resources and gives the same to Nebraska citizens; and

Whereas the carrying out of the newly adopted policy of the Bureau of Reclamation and the act of March 4, 1929, with reference to the Shoshone power plant will take said power-plant revenues from unit holders and landowners located entirely within the State of Wyoming and will give to the Bureau of Reclamation profits from a power plant located within the State of Wyoming, and will give to the United States Government for the benefit of the reclamation fund the use of another of the valuable resources of this State; and

Whereas Wyoming has heretofore contributed very largely of its resources to the revenues and income of the reclamation fund and has never received in return 50 per cent of the amount contributed: Therefore be it

Resolved by the House of Representatives of the Twenty-first Legislature of the State of Wyoming (the Senate concurring). That we do hereby memorialize the Congress of the United States of America to repeal the portion of said act of March 4, 1929, or to amend the same so as to carry out the provisions of the contracts between the United States Government and the Shoshone and Deaver irrigation districts which provide for the application of the revenues and profits from the Shoshone power plant in accord with the fact finders' act, to the end that the unit holders and landowners under said Shoshone project shall have all the benefits from the net profits from the operation of said power plant; and be it further

Resolved, That we hereby memorialize and petition the United States Senators from Wyoming and our Member of Congress to do all in their power to obtain the repeal or amendment of said act of March 4, 1929, in accord herewith; and be it further

Resolved, That we do hereby memorialize the Secretary of the Interior and the Commissioner of the Bureau of Reclamation of the United States of America to use their efforts to obtain for the Shoshone project, and the various divisions thereof, all profits from said Shoshone power plant in accord with the provisions of the fact finders' act; and be it further

Resolved, That certified copies of this memorial be forwarded to the Wyoming Senators and its Representative in Congress and to the Secretary of the Interior and the Commissioner of the Bureau of Reclamation of the United States of America.

CLARENCE GARDNER,
President of the Senate.
CHARLES B. MANN,
Speaker of the House.

Approved at 11.20 a. m., March 7, 1931.

A. M. CLARK,
Acting Governor.

Mr. WALSH of Massachusetts presented the following resolutions of the General Court of Massachusetts, which were referred to the Committee on Agriculture and Forestry:

THE COMMONWEALTH OF MASSACHUSETTS, 1931.

Resolutions memorializing Congress with relation to the activities of the Federal Farm Board and its attempt to regulate the price of wool and mohair

Whereas the Federal Farm Board, created under an act of Congress, effective June, 1929, commonly known as the agricultural marketing act, is attempting to fix the price of wool and mohair and is, in that respect, interfering with the normal and lawful conduct of business by persons legitimately engaged therein; and

Whereas there have been and are now in the city of Boston and the Commonwealth of Massachusetts many persons engaged in the purchase and sale of wool and mohair; and

Whereas this business which has always constituted an occupation for many persons and an enterprise in which the Commonwealth has always taken a great pride and from which its citizens have received a large source of revenue: Now, therefore, be it

Resolved, That the General Court of Massachusetts hereby records itself as opposed to so much of the activities of the Federal Farm Board as involve the purchase of wool and mohair in competition with an old and well-established trade conducted by private citizens in this Commonwealth in so far as those purchases by said Federal Farm Board are not needed at the present time to maintain the price of said wool and mohair; and be it further

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the Secretary of Agriculture, to the Secretary of Commerce, and the members of the Federal Farm Board, to the presiding officers of both branches of Congress, and to the Representatives and Senators in Congress from this Commonwealth.

In house of representatives, adopted, May 21, 1931.

In senate, adopted, in concurrence, May 22, 1931.

A true copy.

Attest:

F. W. COOK,
Secretary of the Commonwealth.

Mr. WALSH of Massachusetts also presented the following resolutions of the General Court of Massachusetts, which were referred to the Committee on the Judiciary:

THE COMMONWEALTH OF MASSACHUSETTS, 1931.

Resolutions making application to Congress in accordance with Article V of the Constitution of the United States to call a constitutional convention to amend or repeal the eighteenth article of amendment or to propose such an amendment for submission to the several States

Whereas a condition of widespread dissatisfaction prevails with the workings and results of Article XVIII of the amendments to the Constitution of the United States; and

Whereas it is desirable to attempt to improve, clarify, or quiet such condition; and

Whereas the only methods for repealing or modifying said Article XVIII are set forth in Article V of the said Constitution: Therefore be it

Resolved, That the General Court of Massachusetts, acting in pursuance of said Article V, hereby requests that Congress call a convention under said article for the purpose of proposing an amendment or amendments to the Constitution amending, modifying, revising, or repealing said Article XVIII; or that Congress, acting in pursuance of said Article V, itself propose such an amendment or amendments; and requests that in either case the same be submitted for ratification by conventions in the several States; and be it further

Resolved, That the secretary of the Commonwealth forward forthwith to the presiding officers of both branches of Congress certified copies of these resolutions, attested by the clerks of both branches of the General Court.

Adopted March 13, 1931.

A true copy.

Attest:

FRANK E. BRIDGMAN,
Clerk of the House of Representatives.
WILLIAM H. SANGER,
Clerk of the Senate.

THE COMMONWEALTH OF MASSACHUSETTS,
OFFICE OF THE SECRETARY.

Witness the great seal of the Commonwealth.

[SEAL.] F. W. COOK,
Secretary of the Commonwealth.

Mr. SHIPSTEAD presented a petition numerously signed by sundry citizens of the State of Minnesota, praying for the passage of legislation known as "the farmers' farm relief act," which was referred to the Committee on Agriculture and Forestry.

Mr. SHORTRIDGE presented numerous communications from organizations and sundry citizens of the State of California, favoring the reduction of armaments by all nations, which were referred to the Committee on Foreign Relations.

Mr. KEAN presented a resolution adopted at a regular meeting of the Association of Grand Jurors of Essex County, N. J., favoring the passage of legislation prohibiting the manufacture, sale, importation, exportation, and use (except for lawful purposes) of explosives, brass knuckles, stiletos, machine guns, tear gas, tear bombs, and other weapons and instrumentalities used in the perpetration of crimes of violence, which was referred to the Committee on the Judiciary.

Mr. GOLDSBOROUGH presented papers to accompany the bill (S. 567) to authorize the Secretary of War to sell to the Philadelphia, Baltimore & Washington Railroad Co. cer-

In the first 50 years of the Government there were introduced into the House of Representatives 8,777 bills and resolutions. During the lifetime of the Sixty-first Congress, over 34,000 bills and joint resolutions had been introduced for the consideration of the House. Therefore, it is necessary that some method under the rules shall be maintained by which the House can select from the great avalanche of bills that are introduced the best that ought to be considered, and no two men agree at all times as to all the business that shall be considered; so the regulations of the House must be sufficient to enable nearly 400 Representatives to select the business that should or shall be considered.

I leave this place, but not with regret. I have performed the duties of this office according to my best judgment under the rules of the House. I do not leave the House with malice in my heart toward any colleague [applause], toward any Member with whom I have served. My friend the Speaker to be, the gentleman from Missouri, Mr. CLARK [applause], believes that my departure is a final departure as Speaker of the House. I agree with him. At the age of almost 75, in the course of nature I could not hope to occupy this great place again, and would not if I could; but I am so fond of my friend from Missouri, the Speaker to be, that I mean to serve under his gentle rule as a Member of the House and to look on. [Laughter and applause.] And now nothing remains for me but to wish each and every one of you health, strength, courage, and having said the last word as Speaker, having signed the last bill, sustained or overruled the last point of order, rapped vigorously for the last time with the gavel, the hour of 12 o'clock noon having arrived, I declare the House of Representatives of the Sixty-first Congress adjourned without day.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a list of documents received and distributed by the Treasury Department during the calendar year 1910 (H. Doc. No. 1422); to the Committee on Printing and ordered to be printed.

2. A letter from the Attorney General, transmitting a response to the inquiry of the House as to alleged restraint of the coffee trade (H. Doc. No. 1421); to the Committee on the Judiciary and ordered to be printed.

3. A certificate from the governor, chief justice, and secretary of Arizona, transmitting a copy of the constitution of Arizona and the ascertainment of the vote adopting the same (H. Doc. No. 1423); to the Committee on the Territories and ordered to be printed.

4. Application of the Legislature of the State of Maine for the calling of a constitutional convention to provide for an amendment establishing election of United States Senators by the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

5. A letter from the president of the Commissioners of the District of Columbia, transmitting a report of the operations of the excise board for the license year ended October 31, 1910 (H. Doc. No. 1420); to the Committee on the District of Columbia and ordered to be printed.

6. A letter from the Acting Secretary of Agriculture, transmitting copies of correspondence relative to action taken in the case of the Hydro Electric Co. of California (H. Doc. No. 1424); to the Committee on Agriculture and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BATES, from the Joint Select Committee on the Disposition of Useless Executive Papers, to which was referred the reports of the heads of the departments, reported the same, accompanied by a report (No. 2292), which said report was referred to the House Calendar.

He also, from the same committee, to which was referred the reports of the heads of the departments, reported the same, accompanied by a report (No. 2293), which said report was referred to the House Calendar.

He also, from the same committee, to which was referred the reports of the heads of the departments, reported the same, accompanied by a report (No. 2294), which said report was referred to the House Calendar.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 8645) to confirm the name of Commodore Barney Circle for the

circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 2295), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 9125) authorizing the Secretary of War to convey the outstanding title of the United States to lots 3 and 4, square 103, in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 2296), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEENERS: A bill (H. R. 32998) to authorize the board of supervisors of the town of Kratka, Pennington County, Minn., to construct a bridge across the Red Lake River; to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: A bill (H. R. 32999) for the regulation and control of fraternal benefit societies in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PARSONS: A bill (H. R. 33000) to authorize the leasing of lands in the United States for the development of hydroelectric power, and for other purposes; to the Committee on the Public Lands.

By Mr. CAMERON: A bill (H. R. 33001) to authorize the Secretary of the Interior to construct bridges across the San Carlos and Gila Rivers on the White Mountain or San Carlos Indian Reservation in the Territory of Arizona, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McDERMOTT: A bill (H. R. 33011) providing for the regulation, identification, and registration of automobiles engaged in interstate commerce, for the licensing of the operators thereof, for cooperation between the States and the Federal Government in such purposes, and for distributing the revenues arising hereunder between the States and the Federal Government; to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Resolution (H. Res. 1008) relating to the bill (H. R. 32010) to create a tariff board; to the Committee on Rules.

By Mr. TOWNSEND: Concurrent resolution (H. Con. Res. 65) for investigation of a deep waterway from the Great Lakes to the Atlantic Ocean via the St. Lawrence River; to the Committee on Foreign Affairs.

By Mr. BURKE of South Dakota: A memorial of the Legislature of South Dakota relative to requesting our Senators in Congress to support bill H. R. 29346 pending in the Senate of the United States; to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A memorial of the Legislature of Utah, asking that a Government naval and military hospital be established in Salt Lake City, Utah; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 33002) granting a pension to Daniel Burkey; to the Committee on Pensions.

By Mr. CAPRON: A bill (H. R. 33003) granting an increase of pension to Harriet A. Parker; to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 33004) granting an increase of pension to Daniel D. Edgar; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 33005) granting an increase of pension to Mary E. Rutter; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 33006) for the relief of Samuel Spaulding; to the Committee on Military Affairs.

By Mr. MARTIN of Colorado: A bill (H. R. 33007) granting an increase of pension to Lou Pitney; to the Committee on Pensions.

By Mr. MITCHELL: A bill (H. R. 33008) for the relief of James Noonan; to the Committee on Naval Affairs.

By Mr. SAUNDERS: A bill (H. R. 33009) granting an increase of pension to M. V. Curry; to the Committee on Invalid Pensions.

Mr. Wayne presented to the House the following resolutions, adopted by the General Assembly of the State of Georgia, viz.

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That they do concur with the General Assembly of the State of Tennessee in deprecating the exercise of the powers which have been assumed by Congress of appropriating money out of the Treasury of the United States, and in subscribing for stock under State corporations.

Resolved, further, That this General Assembly does expressly declare, that the Government of the United States does not possess the powers, under the constitution, to carry on a system of internal improvement within the several States, or to appropriate money to be expended upon such improvements.

Resolved, That his excellency the Governor be requested to forward copies of these resolutions to the Governors of the respective States, and to our Senators and Representatives in Congress.

Agreed to. 21st December, 1832.

Attest: ROBERT W. CARNES, *Clerk.*

Concurred in, 22d December, 1832.

Attest: IVERSON L. HARRIS, *Secretary.*
Approved, December 24, 1832.

ASBURY HULL, *Speaker.*

THOMAS STOCKS, *President.*

WILSON LUMPKIN, *Governor.*

Mr. Wilde presented the following preamble and resolutions, adopted by the General Assembly of the State of Georgia, viz.

IN THE HOUSE OF REPRESENTATIVES.

For as much as throughout the United States there exists many controversies growing out of the conflicting interests which have arisen among the people since the adoption of the federal constitution, out of the cases in which Congress claims the right to act under constructive or implied powers, out of the disposition shown by Congress too frequently to act under assumed powers, and out of the rights of jurisdiction either claimed or exercised by the Supreme Court, all of which tend directly to diminish the affections of the people for their own Government, to produce discontent, to repress patriotism, to excite jealousies, to engender discord, and, finally, to bring about the event of all others most deeply to be deplored, and most anxiously to be guarded against, viz. a dissolution of our happy Union, and a severance of these States into hostile communities, each regarding and acting towards each other with the bitterest enmity.

And the experience of the past having clearly proved that the constitution of the United States needs amendment in the following particulars:

I. That the powers delegated to the General Government, and the rights reserved to the States or to the people, may be more distinctly defined.

II. That the power of coercion by the General Government over the States, and the right of a State to resist an unconstitutional act of Congress, may be determined.

III. That the principle involved in a tariff for the direct protection of domestic industry may be settled.

IV. That a system of federal taxation may be established, which shall be equal in its operation upon the whole people, and in all sections of the country.

V. That the jurisdiction and process of the Supreme Court may be clearly and unequivocally settled.

VI. That a tribunal of last resort may be organized to settle disputes between the General Government and the States.

VII. That the power of chartering a bank, and of granting incorporations, may be expressly given to, or withheld from Congress.

VIII. That the practice of appropriating money for works of internal improvement may be sanctioned by an express delegation of power, or restrained by express inhibition.

IX. That it may be prescribed what disposition shall be made of the surplus revenue, when such revenue is found to be on hand.

X. That the right to, and the mode of disposition of the public lands of the United States, may be settled.

XI. That the election of President and Vice President may be secured, in all cases, to the people.

XII. That their tenure of office may be limited to one term.

XIII. That the rights of the Indians may be definitely settled.

It is therefore resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, and acting for the people thereof, That the State of Georgia, in conformity with the fifth article of the federal constitution, hereby makes application to the Congress of the United States for the call of a Convention of the people to amend the constitution aforesaid in the particulars herein enumerated, and in such others as the people of the other States may deem needful of amendment.

Resolved, further, That his excellency the Governor be, and he is hereby, requested to transmit copies of this document to the other States of the Union, and to our Senators and Representatives in Congress.

Agreed to, 19th December, 1832.

Attest: ROBERT W. CARNES, *Clerk.*

ASBURY HULL, *Speaker.*

IN SENATE.

Concurred in, 20th December, 1832.

Attest: IVERSON L. HARRIS, *Secretary.*

Approved, 22d December, 1832.

THOMAS STOCKS, *President.*

WILSON LUMPKIN, *Governor.*

Ordered. That these resolutions do lie on the table.

Mr. John Reed presented a remonstrance of Andrew Robeson, of the State of Massachusetts, manufacturer of calico at Falls river, in said State, against a reduction of the tariff of duties on imports.

Mr. Ingersoll, Mr. Ellsworth, Mr. Noyes Barber, and Mr. Young, respectively, presented memorials of citizens of various parts of the State of Connecticut against a reduction of the tariff of duties on imports.

Mr. Young also presented a copy of the proceedings of a meeting of citizens of the county of Windham, in the State of Connecticut, held on the 23d of January, 1833, remonstrating against a reduction of the tariff of duties on imports.

Mr. Horace Everett presented a memorial of citizens of the county of Windsor, in the State of Vermont, against a reduction of the tariff of duties on imports.

Mr. Smith presented a memorial of citizens of the county of Bucks, in the State of Pennsylvania, praying that the duties on imports may be reduced as low as will consist with an economical support of the Government.

Mr. Rencher presented a memorial of citizens of the county of Rowan, in the State of North Carolina, praying that the duties on imports may be reduced as only to raise such sums as may be needful for the support of Government.

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the net result of 40 years of organized industrial research in this country has been the enrichment of life to an incalculable degree.

I commend a careful reading of this report to the Members of the Congress.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, May 29, 1941.

EXECUTIVE COMMUNICATIONS

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

LAND AT COAST GUARD LIGHT STATION RESERVATION, AU SABLE, MICH.

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to exchange certain lands owned by the United States for a site for a road right-of-way needed for access to the Coast Guard Light Station Reservation, Au Sable, Mich. (with an accompanying paper); to the Committee on Commerce.

AMENDMENT OF PERISHABLE AGRICULTURAL COMMODITIES ACT

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act known as the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531), approved June 10, 1930, as amended (with an accompanying paper); to the Committee on Agriculture and Forestry.

MARCH 1941 REPORT OF THE R. F. C.

A letter from the Chairman of the Reconstruction Finance Corporation, transmitting, pursuant to law, a report of the activities and expenditures of the Corporation for the month of March 1941, including statement of loan and other authorizations made during the month, etc. (with accompanying papers); to the Committee on Banking and Currency.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate by the Vice President, or presented by Senators, and referred as indicated:

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of the State of Michigan; to the Committee on the Judiciary:

"Senate Concurrent Resolution 20

"Concurrent resolution proposing an amendment to the Constitution of the United States relative to taxes on incomes, inheritance, and gifts

"Resolved by the senate (the house of representatives concurring), That application be, and it hereby is, made to the Congress of the United States of America to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

"ARTICLE —

"SECTION 1. The sixteenth article of amendment to the Constitution of the United States is hereby repealed.

"Sec. 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration: *Provided*, That in no case shall the maximum rate of tax exceed 25 percent.

"Sec. 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of or intended to take effect in possession or enjoyment at or after death, or by way of gift, shall in no case exceed 25 percent.

"Sec. 4. The limitations upon the rates of said taxes contained in sections 2 and 3 shall, however, be subject to the qualifica-

tion that in the event of a war in which the United States is engaged creating a grave national emergency requiring such action to avoid national disaster, the Congress, by a vote of three-fourths of each House, may for a period not exceeding 1 year increase beyond the limits above prescribed the maximum rate of any such tax upon income subsequently accruing or received or with respect to subsequent devolutions or transfers of property, with like power, while the United States is actively engaged in such war, to repeat such action as often as such emergency may require.

"Sec. 5. Sections 1 and 2 shall take effect at midnight on the 31st day of December following the ratification of this article. Nothing contained in this article shall affect the power of the United States after said date to collect any tax on incomes for any period ending on or prior to said 31st day of December laid in accordance with the terms of any law then in effect.

"Sec. 6. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of section 3, laid in accordance with the terms of any law then in effect; and be it further

"Resolved, That the Congress of the United States be, and it hereby is, requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several States; and be it further

"Resolved, That the secretary of state of Michigan be, and he hereby is, directed to send a duly certified copy of this resolution to the Senate of the United States and one to the House of Representatives in the Congress of the United States.

"Adopted by the senate on April 29, 1941.

"Adopted by the house of representatives on May 16, 1941."

A resolution of the Senate of the State of Michigan; to the Committee on Military Affairs:

"Senate Resolution 47

"Resolution memorializing the Congress of the United States to make an investigation into safeguarding the copper mines in Michigan in case of invasion, and providing for a training camp in the Upper Peninsula

"Whereas the possibility of planes flying from Greenland to Fort Wilkins, at Keweenaw Point, in the Upper Peninsula, should be carefully investigated and studied, especially in view of the fact that there is at the present time but one road leading to Fort Wilkins, and Portage Canal between Hancock and Houghton is vulnerable, thus leaving the copper mines in the Upper Peninsula without protection in case of possible invasion; and

"Whereas steps should be taken to strengthen defense facilities, and in accomplishing this result it may be considered advisable to establish a training camp for called men in the Upper Peninsula: Now, therefore, be it

"Resolved by the senate, That the Congress of the United States is respectfully requested to thoroughly investigate the necessary safeguarding of the copper mines and the desirability of establishing a training camp in the Upper Peninsula; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the Senate and Speaker of the House of Representatives of Congress, and to the Michigan Members in the Senate and House of Congress.

"Adopted by the senate on May 19, 1941."

A joint resolution of the Legislature of the State of California, memorializing Congress

to investigate the feasibility of the growing of guayule rubber in California, and, if found feasible, to subsidize the same, which was referred to the Committee on Agriculture and Forestry. (See joint resolution printed in full when presented by Mr. JOHNSON of California on the 26th instant, p. 4390, CONGRESSIONAL RECORD.)

Papers and a letter in the nature of petitions from several citizens of the United States, praying that the United States keep out of war; to the Committee on Foreign Relations.

A letter from Earl Miller, of Rochester, N. Y., favoring the use of the United States Navy to convoy war material to Great Britain and other allied nations; to the Committee on Foreign Relations.

By Mr. ELLENDER:

A petition of sundry citizens, members of the Foster-Gatewood Sunday School Class of the First Methodist Church, Shreveport, La., praying that the national-defense program be expedited and be not delayed by strife between capital and labor; to the Committee on Education and Labor.

By Mr. WILEY:

A joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to reject proposed legislation designed to repeal the tax on retail outlets handling oleomargarine; to the Committee on Finance. (See joint resolution printed in full when presented by Mr. LA FOLLETTE on the 26th instant, p. 4390, CONGRESSIONAL RECORD.)

By Mr. TYDINGS:

A memorial of sundry citizens of the State of Maryland, remonstrating against the enactment of the bill (S. 983) to amend the act to regulate barbers in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

A petition of sundry citizens of Baltimore, Md., praying that strong and effective action be taken by the Government to prevent further strikes in the coal industry; to the Committee on Education and Labor.

By Mr. CAPPER:

Memorials of sundry citizens of Oswego, Altamont, Chetopa, Mound Valley, Parsons, and Greenwood County, all in the State of Kansas, remonstrating against the enactment of the bill (S. 983) to amend the act to regulate barbers in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

A letter in the nature of a memorial from Berryton Grange, No. 1430, Patrons of Husbandry, of Berryton, Kans., remonstrating against lowering of the draft-age limits under the Selective Training and Service Act; to the Committee on Military Affairs.

A petition of sundry citizens of Minneola, Kans., praying for the enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; to the table.

By Mr. MEAD (for Mr. WAGNER):

Letters and telegrams, etc., in the nature of memorials from John Cashmore, borough president of Brooklyn; the Sugar Committee of the Port of New York; the International Longshoremen's Association, Joseph P. Ryan, president, New York City; the Business and Professional Women's Club, of Brooklyn; John J. Brady, of New York City; Sugar Refinery Workers Local No. 1476, of Brooklyn; the Merchants' Association of New York, New York City; the Business and Professional Women's Clubs of New York State in convention assembled at Elmira; the Common Council of the City of Yonkers; the Chamber of Commerce of the Borough of Queens, New York City; the Woman's Press Club of New York City; and the Maritime Association of the Port of New York, all in the State of New York, remonstrating against the enactment

is necessary to make such deep channels, or build canals in order to carry on navigation at certain times of the year and certain stages of the water in order to successfully pass the rapids in said river at certain points within the territory of Missouri, Illinois, and Iowa; and Whereas there is at this time great need of the betterment of the navigation of Des Moines Rapids, which are in the Mississippi River from Keokuk, Iowa, and Hamilton, Ill., north to Fort Madison, Iowa; and

Whereas there is now pending before Congress a bill in relation to the erection of a dam across the Mississippi River at or near the foot of the said Des Moines Rapids, and the building of a proper lock to facilitate the navigation of said river under the supervision and direction of the United States Government, which measure is now pending before the Committee on Interstate and Foreign Commerce for examination and discussion; and

Whereas the accomplishment of a deep-water channel at such point would materially aid in the navigation of said river and thereby benefit all the citizens of this country, and especially the citizens of the States bordering thereon; Therefore, in view of the general utility and great importance of such measure to Missouri, as well as our country at large, be it

Resolved by the house of representatives of the general assembly of Missouri (the senate concurring therein), That we approve of all measures to promote the improvement of the Mississippi River and the navigation of the same, and to that end commend to the favorable consideration of Congress the measure under consideration and now before its Committee on Interstate and Foreign Commerce; and be it further

Resolved, That a copy of this resolution, duly authenticated, be transmitted to the Missouri Senators and Representatives in Congress.

I. B. F. Russell, chief clerk of the house of representatives of the forty-third general assembly of Missouri, do hereby certify that the above and foregoing is a true copy of this joint resolution, passed by the forty-third session of the general assembly of the State of Missouri.

Witness my hand as chief clerk this 18th day of March, A. D. 1905, at the city of Jefferson, county of Cole, and State of Missouri.

B. F. RUSSELL,

Chief Clerk of the House of Representatives.

Mr. STONE presented a petition of the legislature of Missouri, praying that an appropriation be made for the improvement of the Missouri River; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint and concurrent resolution.

Be it resolved by the house of representatives (the senate concurring therein): Whereas the people of the State of Missouri are particularly interested in the improvements of the Missouri River, which flows across the State from its western to its eastern border, through a country remarkable for its fertility and commercial development, in order that it may be made a highway of commerce and that disastrous floods from the rise of said river damaging to the agricultural and commercial interests of the State, may be prevented; and in view of the fact that with reasonable and just appropriations for the improvement of the Missouri River, as a highway of commerce, cheap transportation would be afforded to the people who live in the territory tributary thereto, and railroad rates would thereby be reduced, or advance therein prevented; and in view of the fact that the failure to improve the Missouri River has caused the same to be subject to overflow, to the great damage of the cities and farming territory along its banks; and

Whereas the truth of all the facts herein asserted is generally conceded, yet the policy of the National Congress in the past has resulted in discrimination against the interests of the people of the Missouri Valley and in neglect of any improvements of this river, while lavish expenditures have been made upon creeks and small streams in other parts of the country, a result largely due to the fact that no Representative from any of the States on the Missouri River has been appointed a member of the Committee of the National House of Representatives on Rivers and Harbors; Therefore, be it

Resolved by the house of representatives of the State of Missouri (the senate thereof concurring herein), as follows: That the Representatives in Congress and the Senate or Senators from the State of Missouri be, and they are hereby, urged and requested to make every possible effort to secure from the National Congress appropriations for the improvement of the Missouri River for the accomplishment of the purpose as herein set forth.

Second. That the Speaker of the next House of Representatives and the minority leader of said House be, and they are hereby, urged and requested to place upon the Rivers and Harbors Committee of the House of Representatives Representatives from those States bordering on the Missouri River.

I. B. F. Russell, chief clerk of the house of representatives of the forty-third general assembly of Missouri, do hereby certify that the above and foregoing is a true copy of joint and concurrent resolution passed by the forty-third session of the general assembly of the State of Missouri.

Witness my hand as chief clerk this 18th day of March, A. D. 1905, at the city of Jefferson, county of Cole, and State of Missouri.

B. F. RUSSELL,

Chief Clerk of the House of Representatives.

Mr. STONE presented a petition of the legislature of Missouri, praying for the adoption of an amendment to the Constitution providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections, and ordered to be printed in the RECORD, as follows:

House joint and concurrent resolution No. 5.

Whereas a large number of State legislatures have, at various times, adopted memorials and resolutions in favor of the election of United States Senators by popular vote; and

Whereas the National House of Representatives has, on four separate occasions within recent years, adopted resolutions in favor of this proposed change in the method of electing United States Senators, which were not adopted by the Senate; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the

State of Missouri that the United States Senators should be elected by a direct vote of the people; Therefore be it

Resolved by the house of representatives (the senate concurring therein), That the legislature of the State of Missouri favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can and shall be chosen in each State by a direct vote of the people.

Resolved, That a copy of this joint and concurrent resolution and application to Congress for the calling of said convention be sent to the secretary of state of each State of the United States, and that a similar copy be sent to the President of the United States Senate and the Speaker of the National House of Representatives.

Introduced by Mr. DORRIS, of Oregon County.

Originated in the house.

DAVID W. HILL,
Speaker of the House of Representatives.
B. F. RUSSELL,
Chief Clerk of the House of Representatives.
EMMETT B. FIELDS,
President Pro Tem. of the Senate.
CORNELIUS ROACH,
Secretary of the Senate.

I, B. F. Russell, chief clerk of the house of representatives of the forty-third general assembly of Missouri, do hereby certify that the above and foregoing is a true copy of joint and concurrent resolution No. 5, passed by the forty-third session of the general assembly of the State of Missouri.

Witness my hand as chief clerk this 18th day of March, A. D. 1905, at the city of Jefferson, county of Cole, and State of Missouri.

B. F. RUSSELL,

Chief Clerk of the House of Representatives.

Mr. STONE presented petitions of Reminal Lodge, No. 427, Brotherhood of Railroad Trainmen, of St. Louis; of Mark Twain Lodge, No. 537, Independent Order of United Mechanics, of Hannibal, and of Local Union No. 16, Travelers' Goods and Leather Novelty Workers, of Kansas City, all in the State of Missouri, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. SPOONER presented petitions of Carpenters and Joiners' Local Union No. 161, of Kenosha; of Local Union No. 141, Amalgamated Woodworkers' International Union of America, of La Crosse; of Coopers' Union No. 35, of the Coopers' International Union of North America, of Milwaukee; of Sheet Metal Workers' Union No. 351, of Racine, and of Chequamegon Lodge, No. 621, International Association of Machinists, of Ashland, all in the State of Wisconsin, praying for the enactment of legislation restricting immigration; which were referred to the Committee on Immigration.

Mr. WARREN presented a petition of Local Lodge No. 89, International Association of Machinists, of Cheyenne, Wyo., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented petitions of the National League of Women's Organizations, and of the Wyoming Mission, Methodist Episcopal Church, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Central Committee of the National Live Stock Association, praying that ample appropriations be made for the aid of experiment stations for the use of the Bureau of Animal Industry, the extension of meat inspection, etc.; which was referred to the Committee on Agriculture.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation to regulate the admission of Chinese visitors and travelers into the United States; which was referred to the Committee on Immigration.

He also presented a memorial of the Grand Division of the Order of Railway Conductors, of Portland, Oreg., remonstrating against the enactment of legislation to regulate railway rates; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Grand Division of the Order of Railway Conductors, of Portland, Oreg., praying for the enactment of legislation to regulate railway rates; which was referred to the Committee on Interstate Commerce.

BILLS INTRODUCED.

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2) granting an increase of pension to Charles H. Wadleigh;

A bill (S. 3) granting an increase of pension to William P. Damon (with accompanying papers);

A bill (S. 4) granting a pension to Neda S. Thornton (with accompanying papers);

for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. DIXON. I present a joint resolution of the Legislature of the State of Montana, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint resolution 1.

Joint resolution relative to election of United States Senators by popular vote.

Whereas a large number of State legislatures have, at various times, adopted memorials and resolutions in favor of electing United States Senators by the direct vote of the people of the respective States; and

Whereas a large number of State legislatures have created senatorial direct-election commissions: Therefore be it

Resolved by the General Assembly of the State of Montana, That the Legislature of the State of Montana, in accordance with the provisions of Article V of the Constitution of the United States, desires to join with the other States of the Union, and respectfully request that a convention of the several States be called for the purpose of proposing amendments to the Constitution of the United States, and hereby apply to and request the Congress of the United States to call such convention and to provide for the submitting to the several States the amendments so proposed for ratification by the legislatures thereof, or by convention therein, as one or the other mode of ratification may be proposed by the Congress.

SEC. 2. That at the said convention the State of Montana will propose, among other amendments, that section 3 of Article I of the Constitution of the United States should be amended so that the Senators from each State shall be chosen by the electors thereof, as the governor is now chosen.

SEC. 3. A legislative commission is hereby created, to be composed of the governor and four members to be appointed by him, not more than two of whom shall belong to the same political party, to be known as the Senatorial Direct Election Commission of the State of Montana. It shall be the duty of the said legislative commission to urge action, by the legislatures of the several States and by the Congress of the United States, to the end that a convention may be called, as provided in section 1 hereof. That the members of said commission shall receive no compensation.

SEC. 4. That the governor of the State of Montana is hereby directed to transmit certified copies of this joint resolution and application to both Houses of the United States Congress, to the governor of each State in the Union, to the honorable Representatives and Senators in Congress from Montana, who are hereby requested and urged to aid, by their influence and vote, to the end that the United States Senators shall be elected by popular vote.

W. R. ALLEN, *President of the Senate.*

W. W. McDOWELL, *Speaker of the House.*

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Feb. 19.]

HOUSE OF REPRESENTATIVES.

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The Senate have also passed bills of this House of the following titles, viz. No. 627. An act for the relief of the widow of Joseph Knight.

No. 639. An act further to extend the time for entering certain donation claims to land in the Territory of Arkansas.

No. 653. An act to authorize the Legislature of the State of Ohio to sell the land reserved for the support of religion in the Ohio Company's and John Cloves Symmes' purchase.

No. 661. An act for the relief of Abraham Adams.

No. 662. An act for the relief of Sarah Carr, widow of Richard Carr, deceased.

Mr. Archer, from the Committee on Foreign Affairs, reported a bill (No. 741) to carry into effect the convention between the United States and his Majesty, the King of the Two Sicilies, concluded at Naples, on the 14th of October, 1832; which bill was read the first and second time, and committed to the Committee of the Whole House on the state of the Union.

Mr. Edward Everett, from the Committee on Foreign Affairs, reported a bill (No. 742) for the relief of Philip Besson; which bill was read the first and second time, and committed to a Committee of the Whole House to-morrow.

On motion of Mr. Hubbard,

Ordered, That the Committee on Revolutionary Pensions be discharged from the further consideration of the petition of William Bryant, and that it lie on the table.

On motion of Mr. Beardsley,

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the petition of Evans and James Jones, and that it be referred to the Committee on Private Land Claims.

On motion of Mr. Beardsley,

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the inquiry directed on the 17th of December last, as to what law or other regulation may be necessary for diminishing the annual expense of holding the Supreme, Circuit, and District Courts of the United States, including the contingent charges of the judiciary establishment, and the expenses of suits and prosecutions chargeable to the United States.

Mr. Richard M. Johnson, from the Committee on Military Affairs, made an unfavorable report on the case of Lieutenant A. H. Morton; which was read, and laid on the table.

Mr. Clay presented to the House the following recommendation of the General Assembly of the State of Alabama; which was read, and laid on the table, viz.

Recommendations of the General Assembly of the State of Alabama to the President of the United States, to the State of South Carolina, and to the different States.

This General Assembly of the State of Alabama have received and considered, with absorbing interest, the late ordinance of South Carolina, with the address to the co-States accompanying the same, together with the proclamation of the President of the United States consequent thereon. The attitude assumed by the State of South Carolina and the Government of the United States, through its Chief Magistrate, forebodes a crisis which threatens

consider a voice vote on final passage of legislation which adjusts the pay or affects the limitations on outside earned income of Members; to the Committee on Rules.

By Mr. ST GERMAIN:

H. Res. 347. Resolution to provide amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Banking, Finance and Urban Affairs in the second session of the Ninety-seventh Congress; to the Committee on House Administration.

By Mr. WYDEN:

H. Res. 348. Resolution expressing the sense of the House of Representatives with respect to the rights of residents in certain health care facilities; jointly, to the Committees on Ways and Means and Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

247. By Mr. WILLIAM J. COYNE: Memorial of the Senate of the Commonwealth of Pennsylvania, relative to Poland; to the Committee on Foreign Affairs.

248. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to defense cuts; to the Committee on Armed Services.

249. Also, memorial of the Legislature of the Territory of Guam, relative to the annual payment bill; to the Committee on Interior and Insular Affairs.

250. Also, memorial of the Legislature of the Territory of Guam, relative to Federal-territorial relations; to the Committee on Interior and Insular Affairs.

251. Also, memorial of the Legislature of the State of Alaska, requesting that Congress propose an amendment to the Constitution of the United States, or in the alternative, call a convention for the purpose of proposing an amendment, to require a balanced Federal budget; to the Committee on the Judiciary.

252. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to reduction of services by the Corps of U.S. Army Engineers; to the Committee on Public Works and Transportation.

253. Also, memorial of the Legislature of the Territory of Guam, relative to national tuition tax credit legislation; to the Committee on Ways and Means.

254. Also, memorial of the Legislature of the State of California, relative to the Mediterranean fruit fly; jointly to the Committees on Ways and Means and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. KILDEE, Mr. WHITEHURST, Mr. HERTEL, Mr. NEAL, Mr. HUBBARD, Mr. FOLEY, and Mr. EMERSON.

H.R. 768: Mr. MINISH and Mr. GEDENSON.
H.R. 769: Mr. JOHN L. BURTON and Mr. ALBOSTA.

H.R. 789: Mr. McCOLLUM.

H.R. 852: Mr. MITCHELL of Maryland, Mr. STARK, and Mr. FOGLETTA.

H.R. 1513: Ms. MIKULSKI.

H.R. 1514: Ms. MIKULSKI.

H.R. 1515: Ms. MIKULSKI.

H.R. 1516: Ms. MIKULSKI.

H.R. 1517: Ms. MIKULSKI.

H.R. 2280: Mr. FAZIO, Mr. GEPHARDT, Mr. AU COIN, Mr. PICKLE, Mr. STARK, Mr. VENTO, Mr. DAN DANIEL, Mr. GUARINI, Mr. EDGAR, Mr. BEDELL, and Mr. GRADISON.

H.R. 3269: Mr. WHITEHURST, Mr. DECKARD, Mr. ROBERTS of Kansas, Mr. O'BRIEN, Mr. FLIPPO, Mr. CLAUSEN, Mr. JOHNSTON, and Mr. BROOMFIELD.

H.R. 3575: Mr. DAVIS, Mr. EVANS of Georgia, Mr. FOLEY, Mr. HAGEDORN, Mr. LOEFFLER, Mr. MCHUGH, Mr. MARLENEE, Mr. NOWAK, Mrs. ROUKEMA, and Mr. SCHUMER.

H.R. 3600: Mr. NOWAK.

H.R. 4014: Mr. WHITEHURST.

H.R. 4070: Mr. JACOBS, Mr. SABO, Mr. VENTO, Mr. EDWARDS of California, Mr. MOAKLEY, Mr. D'AMOURS, Mr. LEHMAN, Mr. YATES, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. STARK, Mr. MOTT, Mr. FOGLETTA, Mr. MCKINNEY, Mr. MAVROULES, Mr. APPELATE, Mr. PATTERSON, Mr. OBERSTAR, and Mr. PANETTA.

H.R. 4147: Mrs. SCHROEDER.

H.R. 4157: Mr. HARKIN.

H.R. 4227: Mr. RINALDO, Mr. CHAPPELL, Mr. HORTON, Mr. SIMON, Mr. LAFALCE, Mr. AKAKA, Mr. HERTEL, Mr. ROSENTHAL, Mr. GINGRICH, Mr. FORSYTHE, Mr. SMITH of Iowa, Mr. FRANK, Mr. STOKES, Mr. GRAY, Mr. DOUGHERTY, and Ms. OAKAR.

H.R. 4325: Mr. MCGRATH.

H.R. 4330: Mr. BAFALIS, Mr. COLEMAN, Mr. DUNCAN, Mr. ERDAHL, Mr. JOHNSTON, and Mr. PETRI.

H.R. 4334: Mr. BAFALIS, Mr. COLEMAN, Mr. DUNCAN, Mr. JOHNSTON, and Mr. PETRI.

H.R. 4399: Mr. BRINKLEY, Mr. BOWEN, Mr. CHENEY, Mr. MCEWEN, and Mr. PRICE.

H.R. 4535: Mr. MAVROULES, Mr. WHITEHURST, and Mr. MATSUI.

H.R. 4709: Mr. WOLF and Mr. QUILEN.

H.R. 4835: Mr. MORRISON, Mr. MCKINNEY, Mr. DYSON, and Mr. MARRIOTT.

H.R. 4863: Mr. LENT.

H.R. 4882: Mr. BEILSON, Mr. FROST, Mr. HERTEL, Mr. FOGLETTA, Mr. BRODHEAD, Mr. FAZIO, Mr. OTTINGER, Mr. LOWRY of Washington, Mr. WEAVER, Mr. HUGHES, Mr. ECKART, Mr. SEIBERLING, Mr. STUDDS, Mr. KOGOVSEK, Mr. BARNES, Mr. DASCHLE, Mr. WOLFE, and Mr. GEPHARDT.

H.R. 5093: Mr. FORSYTHE.

H.R. 5147: Mr. BILLEY.

H.R. 5163: Mr. STRATTON and Mr. JAMES K. COYNE.

H.R. 5238: Mr. FISH, Mr. ROE, Mr. WOLF, Mr. RINALDO, Mr. HUGHES, Mr. SMITH of Pennsylvania, Mr. YATRON, Mr. MATSUI, Mrs. CHISHOLM, Mr. DAUB, Mr. FOGLETTA, Mr. SCHUMER, Mr. MOLINARI, Mr. SOLARZ, Mr. EDWARDS of California, Mr. LEHMAN, Mr. FAUNTROY, Mr. DONNELLY, Mr. TRAXLER, Mr. CORRADA, Mr. MITCHELL of Maryland, Ms. MIKULSKI, Mr. YATES, Mr. GORE, Mr. OBERSTAR, Mr. EDGAR, Mr. SIMON, Mr. MAZZOLI, Mr. MURPHY, Mr. SANTINI, Mr. O'BRIEN, Mr. MITCHELL of New York, Mr. MINETA, Mr. KASTENMEIER, Mr. WON PAT, Mr. HOWARD, Mrs. COLLINS of Illinois, Mr. MCKINNEY, Mr. D'AMOURS, Mr. FRANK, Mr. GEDENSON, Mr. PEPPER, Mr. ROSENTHAL, Mr. BINGHAM, Mr. FORD of Tennessee, Mr. GUARINI, Mr. BONIOR of Michigan, Mr. KILDEE, Mr. DELUMS, Mr. PATTERSON, Mr. WHITEHURST, Mr. SMITH of Alabama, Mr. ROTH, Mr. ROBERTS of Kansas, Mr. SUNIA, Mr. ERTLE, Mr. CROCKETT, Mr. VENTO, Mr. PRITCHARD, Mr. MARKEY, Mr. STOKES, Mr. FAZIO, Mr. LANTOS, Mr. KOGOVSEK, and Mr. RATCHFORD.

H.R. 5264: Mr. ROSENTHAL and Mr. ROYBAL.

H.R. 5323: Mr. BEREUTER, Mr. PEASE, and Mr. PETRI.

H.R. 5332: Mr. SHANNON.

H.R. 5334: Mr. BROWN of Ohio, Mr. ECKART, Mr. LATTI, Mr. MCEWEN, Mr. MILLER of Ohio, Mr. MOTT, Mr. PEASE, and Mr. WILLIAMS of Ohio.

H.R. 5338: Mr. KILDEE, Mr. FRANK, Mr. BROWN of Colorado, Mr. MOTT, Mr. EMERY, Mr. SMITH of Alabama, Mr. DREIER, Mr. DOWDY, Mr. MORRISON, Mr. BINGHAM, Mr. KOGOVSEK, Mr. LOWERY of California, Mr. SAM B. HALL, Jr., Mr. STRATTON, Mr. BEARD, Mr. ROEMER, Mr. LOEFFLER, Mrs. FENWICK, Mr. FROST, and Mr. DENARDIS.

H.R. 5341: Mr. SOLOMON, Mr. DENARDIS, Mr. BROWN of Colorado, Mr. WALGREN, Mr. STANGELAND, Mr. ROBERTS of Kansas, Mr. HAMILTON, Mr. O'BRIEN, Mrs. FENWICK, Mr. FRANK, Mr. FITHIAN, Mr. ATKINSON, Mr. LEE, Mr. SMITH of New Jersey, Mr. SANTINI, Mr. HOLLENBECK, Mr. LOEFFLER, Mr. ROEMER, Mr. LUJAN, Mr. BEDELL, Mr. LAGOMARSINO, Mr. FLORIO, and Mr. HOPKINS.

H.R. 5356: Mr. SYNAR and Mr. BLANCHARD.
H.J. Res. 225: Mr. MINETA, Mr. BONER of Tennessee, Mr. HAWKINS, Mr. BENEDICT, Mr. MARRIOTT, Mr. AU COIN, Mr. BEARD, Mr. PEYSEY, Mr. FORD of Tennessee, Mr. VANDER JAGT, Mr. WILSON, Mr. SNYDER, Mr. MCCLOSKEY, Ms. FIEDLER, Mr. DICKS, and Mr. WORTLEY.

H.J. Res. 316: Mrs. CHISHOLM, Mr. FRANK, Mr. PERKINS, Mr. ARCHER, Mr. ROBERTS of South Dakota, Mr. STANTON of Ohio, Mr. ST GERMAIN, Mr. OTTINGER, Mr. RITTER, Mr. OBERSTAR, Mr. MITCHELL of New York, Mr. DONNELLY, Mr. LOWERY of California, Mr. ROSE, Mr. MOAKLEY, Mr. DICKS, Mr. DYSON, Mr. GINN, Mr. RICHMOND, Mr. FISH, Mr. HAWKINS, Ms. FERRARO, Mr. DAVIS, Mr. KEMP, Mr. MCHUGH, Mr. LENT, Mr. STUMP, Mr. JONES of North Carolina, Mr. SILJANDER, Mr. FOGLETTA, Mr. MORRISON, Mr. UDALL, Mr. SWIFT, Mr. PETRI, Mr. CHAPPE, Mr. CAMPBELL, Mr. FITHIAN, Mr. PAUL, Mrs. HOLT, Mr. HUGHES, Mr. HAMILTON, Mr. KRAMER, Mr. FOUNTAIN, Mr. BONKER, Mr. JOHNSTON, and Mr. DELLUMS.

H.J. Res. 354: Mr. MCKINNEY, Mr. BEVILL, Mr. CARNEY, Mr. PANETTA, and Mr. COLLINS of Texas.

H.J. Res. 387: Mr. WILSON, Mr. WEAVER, Mr. EDWARDS of California, Mr. FASCELL, Mr. SCHUMER, Mr. PRICE, Mr. FORD of Michigan, Mr. BEILSON, Mr. LAFALCE, Mr. ZEPERETTI, Mr. MINISH, Mr. DUNN, Mr. ROE, Mr. CLAY, Mr. NELSON, Mr. CLINGER, Mr. EDGAR, Mr. LEACH of Iowa, Mr. D'AMOURS, Mr. WORTLEY, Mrs. SCHNEIDER, Mr. SEIBERLING, Mr. RAHALL, Mr. DYSON, and Mr. WHITLEY.

H.J. Res. 394: Mr. FORD of Michigan, Mr. LEVITAS, Mr. WILSON, Mr. WIRTH, Mr. PICKLE, Ms. FERRARO, Mrs. FENWICK, Mr. RAHALL, Mr. BURGNER, Mr. SOLOMON, and Mr. DREIER.

H. Con. Res. 219: Mr. WOLF, Mr. ADDABEO, Mr. COLLINS of Texas, and Mr. MCCOLLUM.

H. Con. Res. 222: Mr. ANTHONY.

H. Con. Res. 236: Mr. MOAKLEY, Mr. OTTINGER, Mr. GILMAN, Mr. RICHMOND, Mr. HEFNER, Mr. WEISS, Mr. FOGLETTA, Mr. FORD of Michigan, Mr. SCHEUER, Mr. OBERSTAR, Mr. GRAY, Mr. FISH, Mr. DELLUMS, Mr. YATES, Mr. BONIOR of Michigan, Mr. DENARDIS, Mr. CORCORAN, Mr. EMERY, Mr. SANTINI, Mr. D'AMOURS, Mr. ROE, Mr. FAZIO, Mr. ARCHER, Mr. MARRIOTT, Mr. GUARINI, Mr. PATTERSON, Mr. VENTO, Mr. MATSUI, Mr. OXLEY, Mr. KEMP, Mr. WHITEHURST, Mr. MURTHA, Mr. BARNES, Mr. FOLEY, Mr. EVANS of Delaware, Mr. KASTENMEIER, Mr. LEE, Mr. HUBBARD, Mr. LOWRY of Washington, and Mr. GINGRICH.

H. Con. Res. 255: Mr. BEDELL, Mr. HORTON, Mr. WILSON, Mr. ROE, Mr. JEFFRIES, Mr.

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Communications Commission to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934; to the Committee on Energy and Commerce.

323. Also, a memorial of the House of Representatives of the State of Florida, relative to House Memorial 191 urging the Congress to encourage the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate; to the Committee on Foreign Affairs.

324. Also, a memorial of the Senate of the State of Florida, relative to Senate Concurrent Resolution 10 urging Congress to call a convention for the purpose of proposing amendments to the Constitution of the United States to provide for a balanced federal budget and limit the ability of Congress to dictate to states requirements for expenditure of federal funds; to the Committee on the Judiciary.

325. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 171 memorializing the Congress to enact the FAA Reauthorization Act of 2009 with language that treats all employees of the express carrier industry equally under the federal labor laws; jointly to the Committees on Transportation and Infrastructure and Science and Technology.

326. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial 1896 memorializing the Congress to sup-

port any commercial, civil, military, or academic endeavor, including job training and placement, which will enable the United States space program to maintain our nation's only human space flight workforce; jointly to the Committees on Science and Technology and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 571: Mr. KILDEE.
H.R. 745: Mr. ETHEBRIDGE, Mr. SHADEGG, Mr. COOPER, and Mr. MARKKEY of Massachusetts.
H.R. 1034: Mrs. KIRKPATRICK of Arizona.
H.R. 1255: Mr. CONAWAY.
H.R. 1898: Mr. GRAVES of Georgia.
H.R. 1894: Mr. MORAUD.
H.R. 4021: Mr. COURTNEY.
H.R. 4116: Mr. SERRANO.
H.R. 4662: Mr. ARCUHL.
H.R. 4693: Mr. PASTOR of Arizona.
H.R. 4785: Mr. TOWNS.
H.R. 4969: Ms. DRGETTE.
H.R. 5081: Mr. MEEKS of New York.
H.R. 5476: Mr. HODES.
H.R. 5523: Mr. CONAWAY.
H.R. 5582: Mrs. BLACKBURN, Mr. ALEXANDER, Mr. CONAWAY, and Mr. McCaul.
H. Con. Res. 299: Mr. PAYNE.
H. Con. Res. 268: Mr. MILLER of North Carolina.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

157. The SPEAKER presented a petition of the City and County of San Francisco, California, relative to Resolution No. 198-10 encouraging the President and the Congress to pass a Comprehensive Immigration Reform Bill; to the Committee on the Judiciary.

158. Also, a petition of the Office of Management and Budget, White House, Washington, DC, relative to urging the Congress to act quickly in enacting the FY 2010 Supplemental request related to the Oil Spill Liability Trust Fund; jointly to the Committees on Transportation and Infrastructure and the Budget.

DISCHARGE PETITIONS—
ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 11 by Mr. KING of Iowa H.R. 4972: Todd Tiahrt, Marsha Blackburn, Tom Price, Paul C. Broun, Jerry Moran, Tom Graves, Rob Bishop, Joseph R. Pitts, Mike Pence, Lynn A. Westmoreland, Glenn Thompson, Jeb Hensarling, Louie Gohmert, Judy Biggert, John Boozman, Kenny Marchant, Jim Jordan, Jason Chaffetz, Gary G. Miller, Bob Goodlatte, Doug Lamborn, Robert E. Latta, Tom Cole, Trent Franks, K. Michael Conaway, Jo Bonner, and Dan Burton.

of the legislatures of 32 States for the purpose of obtaining uniform action by the legislatures of the several States in any matters connected with the amendment of this article.

"SEC. 13. The Congress shall not create, admit, or form new States from the territory of the several States as constituted on the 1st day of January 1949, and shall not create, form, or admit more than three States from the territories and insular possessions under the jurisdiction of the United States on the 1st day of January 1949, or from territory thereafter acquired without the express consent of the legislatures of three-fourths of the several States.

"SEC. 14. On and after January 1, 1949, the dollar shall be the unit of the currency. The gold content of the dollar as fixed on January 1, 1949, shall not be decreased.

"SEC. 15. Concurrent action of the legislatures of the several States as used herein shall mean the adoption of the same resolution by the required number of legislatures. A limit of time may be fixed by such resolution within which such concurrent action shall be taken. No legislature shall revoke the affirmative action of a preceding legislature taken therein.

"SEC. 16. During any period when this article is in effect the Congress may, by concurrent resolution adopted by two-thirds of both Houses wherein declaration is made that additional funds are necessary for the defense of the Nation, limit the amount of money required by this article to be returned to the several States. Such limitation shall continue until terminated by the Congress or by concurrent action of a majority of the legislatures of the several States. Upon termination of any such limitation the Congress may not thereafter impose a limitation without the express consent by concurrent action of a majority of the legislatures of the several States.

"SEC. 17. This article is declared to be self-executing."

"2. That attested copies of this resolution be sent to the presiding officers of each House of the Congress and to each member of the Nebraska delegation in Congress, and that printed copies thereof, showing that said resolution was adopted by the Legislature of Nebraska, be sent to each house of each legislature of each State of the United States.

"3. That this application hereby made by the Legislature of the State of Nebraska shall constitute a continuing application in accordance with article V of the Constitution of the United States until at least two-thirds of the legislatures of the several States shall have made similar applications pursuant to said article V.

"4. That since this is an exercise by a State of the United States of a power granted to it under the Constitution, the request is hereby made that the official Journals and *EXCERPTS* of both Houses of Congress, shall include the resolution or a notice of its receipt by the Congress, together with similar applications from other States, so that the Congress and the various States shall be apprised of the time when the necessary number of States shall have so exercised their power under article V of the Constitution.

"5. That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the States in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the Legislature of the State of Nebraska interprets article V to mean that if two-thirds of the States make application for a convention to propose an identical amendment to the Constitution for

ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions.

"6. That the Legislature of the State of Nebraska does not, by this exercise of its power under article V, authorize the Congress to call a convention for any purpose other than the proposing of the specific amendment which is a part hereof; nor does it authorize any representative of the State of Nebraska who may participate in such convention to consider or to agree to the proposing of any amendment other than the one made a part hereof.

"7. That by its actions in these premises, the Legislature of the State of Nebraska does not in any way limit in any other proceeding its right to exercise its power to the full extent.

"8. That the Congress, in exercising its power of decision as to the method of ratification of the proposed article by the legislatures or by conventions, is hereby requested to require that the ratifications be by the legislatures.

"Adopted by a majority vote of the legislature, May 25, 1949."

By Mr. PEPPER:

A joint resolution of the Legislature of the State of Florida; to the Committee on Interstate and Foreign Commerce:

"House Memorial 1422

"Memorial to petition the Federal Communications Commission to prohibit the use of radio stations to make instantaneous broadcasts on horse and dog races

"Whereas this legislature has recently enacted a law prohibiting the furnishing of private wire service to be used to communicate information relating to horse racing, race track, race horse, betting, betting odds, or similar information used for gambling purposes; and

"Whereas certain radio stations in Miami are engaged in giving instantaneous broadcasts of this information thus rendering the recently enacted law ineffective; and

"Whereas it is the desire of this legislature to stop unauthorized gambling and cut off the source of information, without which these gambling operations cannot be carried on; and

"Whereas unless this radio broadcasting is curtailed or restricted the efforts to stop unauthorized gambling will be greatly hampered and the passage of the act prohibiting the furnishing of private wire service will have been only an idle gesture in that the gambling interests will be able to do by radio what they are forbidden to do by wire: Now, therefore, be it

"Resolved by the Legislature of the State of Florida:

"1. The Federal Communications Commission is hereby memorialized to make or cause to be made a thorough investigation of the use of radio stations in this State and particularly in the Miami area in giving instantaneous broadcasts of horse racing, race tracks, dog and horse races, betting, betting odds, or similar information used for gambling purposes thus furnishing the gambling interests of this State information which they cannot now legally receive by wire and greatly hampering the efforts of this State to stop unauthorized and illegal gambling.

"2. The secretary of state, of Florida, is directed to send a duly certified copy of this memorial to the Federal Communications Commission and to the Members of the Congress of the United States from this State.

"Approved by the Governor, June 9, 1949.

"Filed in office, secretary of state, June 9, 1949."

PROHIBITION OF LIQUOR ADVERTISING— PETITION

Mr. MAGNUSON. Mr. President, I present for appropriate reference a petition forwarded to me by Mrs. Artie M. Reeves, of Everett, Wash., and signed by 97 citizens of Everett, relating to the provision of liquor advertising in interstate commerce, and I ask unanimous consent that it be appropriately referred and printed in the *RECORD* without the signatures.

There being no objection, the petition was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed in the *RECORD*, without the signatures, as follows:

To Our Senators and Representatives in Congress:

Inasmuch as the alcoholic-beverage traffic is making a planned and concerted attempt to infiltrate the American home through alcoholic-beverage advertising, particularly with such advertisements as the *Home Life in America* series in publications particularly devoted to and circulating in the American home, with disastrous effects in neglect of children by drinking mothers and an alarming increase in juvenile delinquency. We respectfully urge upon you the responsibility of Congress to meet this dangerous challenge to the American way of life by legislation outlawing alcoholic beverage advertising over the air and through the channels of interstate commerce.

We urge consideration and support of the Bryson bill, H. R. 2428, and a Senate counterpart of that measure.

FEDERAL CORRECTIONAL INSTITUTION AT SANDSTONE, MINN.—RESOLUTION OF PINE COUNTY (MINN.) BOARD OF COMMISSIONERS

Mr. HUMPHREY. Mr. President, I present for appropriate reference a resolution adopted by the Board of Commissioners of Pine County, Minn., relating to the Federal correctional institution at Sandstone, Minn., and I ask unanimous consent that it be printed in the *RECORD*.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the *RECORD*, as follows:

Whereas the Federal correctional institution at Sandstone, Minn., was erected and completed in the year 1939 at a cost of approximately \$4,500,000; and

Whereas from the year 1939 to October 1947 it was in operation as a Federal correctional institution with a personnel of about 115; and

Whereas in October of 1947 it was reduced to the status of a prison farm, with a personnel of about 35; and

Whereas it has now been closed, with the exception of about three caretakers or guards; and

Whereas it is inconceivable that this institution, with a value at present construction costs of perhaps \$9,000,000, should be idle with resultant deterioration and depreciation when the institutions of the State of Minnesota are crowded and inadequate; and

Whereas it is apparent from a recent inspection made that necessary adjustments could be made by the State to the buildings at moderate cost: Now, therefore, be it

Resolved, That we, the Pine County Board of Commissioners, duly assembled, do hereby request the Congress of the United States to place a lease value or outright purchase value on the aforesaid institution to the State of Minnesota; and be it further

Resolved, That copies of this resolution be transmitted to Senator THYE and Senator

1910.

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Mr. BORAH. Mr. President—
The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. Certainly.

Mr. BORAH. I was absent from the Chamber when Idaho was supposed to have been enlisted in this matter, and I desire to say that there is no doubt in my mind that Idaho is in favor of the principle of electing Senators by popular vote, and that our legislature was not insane when it so declared.

Mr. OWEN. I have not the slightest doubt of the correctness of the view of the junior Senator from Idaho, and am glad to have the junior Senator from Idaho answer the senior Senator from Idaho as to the views of the people of Idaho, and as to the sanity of the legislature of that State.

NEVADA.

Senate concurrent resolution relating to the election of United States Senators by direct popular vote.

Whereas the people of this State, as shown by a vote taken thereon, favor an amendment to the Constitution of the United States providing for the election of United States Senators by a direct popular vote; and Whereas it is evident that a large majority of the American people favor such an amendment, as shown by the tone of the public press and by the resolutions of the state legislatures of the various States and the resolution passed by the National House of Representatives; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments thereto:

Resolved, therefore (if the assembly concur), That the legislature of the State of Nevada favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and respectfully requests that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by a direct vote of the people.

Resolved, That a copy of this resolution and application to Congress for the calling of a convention be sent to the President of the United States, the Speaker of the House of Representatives, and to each of the Representatives of the State of Nevada in the Congress of the United States.

Resolved, That our Representative in Congress be directed to urge upon Congress the calling of a convention provided for by these resolutions.

The people of Nevada directly nominate United States Senators. (Nevada primary laws, 1883, chap. 18. Mandatory; rudimentary.)

New Hampshire primary laws, 1905, chapter 95; 1907, chapter 105. Partly mandatory; partly optional; rudimentary.

NEW JERSEY.

Joint resolution 5.

Whereas Article V of the Constitution of the United States provides that "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by convention in three-fourths thereof," etc.; and

Whereas the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; and Whereas the United States Senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several States a chance to secure this much desired change in the method of electing Senators: Therefore be it

Resolved by the senate and general assembly of the State of New Jersey, Under the authority of Article V of the Constitution of the United States application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and

Resolved, That the secretary of state be, and is hereby, directed to forward a properly authenticated copy of these resolutions to the President of the United States, to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

Approved May 28, 1907.

STATE OF NEW JERSEY, Department of State:

I, S. D. Dickinson, secretary of state of the State of New Jersey, do hereby certify that the foregoing is a true copy of joint resolution No. 5 of the legislature of the State of New Jersey, approved by the governor May 28, 1907, as the same is taken from and compared with the original now remaining on file in my office.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at Trenton, this 25th day of November, A. D. 1907.

S. D. DICKINSON,
Secretary of State.

The people of New Jersey directly nominate United States Senators under the protection of the law of 1908. (New Jersey primary laws, 1898, chap. 139, and subsequent amendments. Mandatory; state wide; partly direct and partly indirect.)

New York primary laws, act of 1898, chapter 179, as amended each succeeding year. Mandatory; partly state wide; partly local; direct features optional.

NORTH CAROLINA.

A joint resolution relative to amending the Constitution of the United States to provide for the election of United States Senators by a direct vote of the people of the respective States.

Whereas there is a widespread and rapidly growing belief that the Constitution of the United States should be so amended as to provide for the election of the United States Senators by the direct vote of the people of the respective States; and

Whereas other amendments to the United States Constitution are by many intelligent persons considered desirable and necessary; and

Whereas the Senate of the United States has so far neglected to take any action whatever upon the matter of changing the manner of electing United States Senators, although favorable action upon such proposed change has several times been unanimously taken by the House of Representatives: Therefore

Be it resolved by the house of representatives of the State of North Carolina (the senate concurring therein), That the legislature of North Carolina, in accordance with the provisions of Article V of the Constitution of the United States, hereby apply to and request the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States; and

Resolved, That we hereby request our Representatives in Congress and instruct our United States Senators to bring this matter to the attention of the respective bodies and to try and induce favorable action thereon; and

Resolved further, That the secretary of the State of North Carolina is hereby directed to forthwith transmit a certified copy of these resolutions to the Vice-President of the United States, the Speaker of the House of Representatives in Congress, and to each of the Representatives and United States Senators in Congress from North Carolina, and to the speaker of the house of representatives of each State in which the legislature is now or soon to be in session.

In the general assembly; read three times, and ratified this the 11th day of March, A. D. 1907.

STATE OF NORTH CAROLINA, Office of Secretary of State:

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (two sheets) to be a true copy from the records of this office.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh this 4th day of April, in the year of our Lord 1908.

J. BRYAN GRIMES,
Secretary of State.

North Carolina primary laws, 1907 (numerous special acts). Mandatory and optional; local; rudimentary.

NORTH DAKOTA.

The people of North Dakota directly nominate United States Senators under the protection of the law of 1907. (North Dakota primary laws, 1907, chap. 109. Mandatory; state wide; direct.)

OHIO.

The people of Ohio directly advise as to United States Senators. Ohio permits under law of 1908 the direct nomination of Senators by primary. (Ohio primary laws, 1908. Mandatory; state wide; delegate and direct; direct in cities and counties; advisory vote on United States Senator.)

OKLAHOMA.

Senate joint resolution 9.—Relating to the calling of a convention of the States to propose amendments to the Constitution of the United States providing for the election of United States Senators by direct vote of the people, and for other purposes, and providing for the appointment of a senatorial election commission of the State of Oklahoma.

Whereas a large number of the state legislatures have at various times adopted memorials and resolutions in favor of the election of United States Senators by direct vote of the people of the respective States; and

Whereas the National House of Representatives has on several different occasions in recent years adopted resolutions in favor of the proposed change in the method of electing United States Senators, which were not adopted by the Senate: Therefore be it

Resolved by the senate and the house of representatives of the State of Oklahoma, That the legislature of the State of Oklahoma, in accordance with the provisions of Article V of the Constitution of the United States, desires to join with the other States of the Union to respectfully request that a convention of the several States be called for the purpose of proposing amendments to the Constitution of the United States, and hereby apply to and request the Congress of the United States to call such convention and to provide for submitting to the several States the amendments so proposed for ratification by the legislatures thereof, or by conventions therein, as one or the other mode of ratification may be proposed by Congress.

SEC. 2. That at said convention the State of Oklahoma will propose, among other amendments, that section 3 of Article I of the Constitution of the United States should be amended to read as follows:

"The Senate of the United States shall be composed of two Senators from each State, chosen by the electors thereof, as the governor is chosen, for six years; and each Senator shall have one vote. They shall be divided as equally as may be into three classes, so that one-third may be chosen every year; and if vacancies happen by resignation or otherwise the governor may make temporary appointments until the next regular election in such State. No person shall be a Senator who shall not have attained the age of 30 years, and been nine years a citizen of the United States, and who shall not when elected be an elector of the State for which he shall be chosen. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided. The Senate shall choose their own officers and also a President pro tempore in the absence of the Vice-President or when he shall exercise the office of the President of the United States."

SEC. 3. A legislative commission is hereby created, to be composed of the governor and eight members, to be appointed by him, not more than four of whom shall belong to the same political party, to be known as

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The VICE-PRESIDENT presented a joint resolution of the legislature of the State of South Dakota in favor of the adoption of an amendment to sections 11 and 14 of the enabling act of that State permitting the leasing of school and State lands for a longer period than five years and in greater tracts than one section to any one person or company, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE.

UNITED STATES OF AMERICA,
State of South Dakota, Secretary's Office.

I, D. D. WIFF, secretary of state of South Dakota, and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 18, as passed by the tenth legislative assembly of the State of South Dakota, now in session, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, done at the city of Pierre this 7th day of March, 1907.

[SEAL.]

D. D. WIFF, Secretary of State.

A joint resolution memorializing Congress to so amend sections 11 and 14 of the enabling act of the State of South Dakota, to permit the leasing of school and State lands for a longer period than five years and in greater tracts than one section to any one person or company.

Be it resolved by the house of representatives of the State of South Dakota (the senate concurring), Whereas the act admitting into the Union the States of North Dakota, South Dakota, Montana, and Washington restricts the leasing of school and State lands for a period of not to exceed five years and in quantities of not more than one section to any one person or company; and

Whereas the leasing for a period of five years does not encourage the improvement and protection of the land as would a longer lease, such as prevails in other Western States;

Therefore the members of the tenth legislative assembly of the State of South Dakota respectfully petition the Congress of the United States to so amend sections 11 and 14 of the enabling act of the State of South Dakota so that school and State lands may be leased for a maximum of twenty years and to remove the restrictions as to the amount which can be leased by any one person or company.

[Indorsed.]

A joint resolution memorializing Congress to so amend sections 11 and 14 of the enabling act of the State of South Dakota to permit the leasing of school and State lands for a longer period than five years and in greater tracts than one section to any one person or company.

M. J. CHANEY,
Speaker of the House.

Attest:
JAMES W. CONE, Chief Clerk.

HOWARD C. SHOBER,
President of the Senate.

Attest:
L. M. SIMONS, Secretary of the Senate.

I hereby certify that the within act originated in the house of representatives and was known in the house files as house joint resolution No. 18.

JAMES W. CONE, Chief Clerk.

STATE OF SOUTH DAKOTA, Office Secretary of State, ss:

Filed March 7, 1907, at 4.10 o'clock p. m.

D. D. WIFF, Secretary of State.

The VICE-PRESIDENT presented a concurrent resolution of the legislature of the State of Nevada, in favor of the adoption of an amendment to the Constitution to provide for the election of Senators by direct vote of the people, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

Assembly joint and concurrent resolution.

Whereas there is a widespread and rapidly growing belief that the Constitution of the United States should be so amended as to provide for the election of the United States Senators by the direct vote of the people of the respective States; and

Whereas other amendments to the United States Constitution are by many intelligent persons considered desirable and necessary; and

Whereas the Senate of the United States has so far neglected to take any action whatever upon the matter of changing the manner of electing United States Senators, although favorable action upon such proposed change has several times been unanimously taken by the House of Representatives: Therefore be it

Resolved by the house of representatives of the State of Nevada, the senate concurring therein, That the legislature of Nevada in accordance with the provisions of article 5 of the Constitution of the United States hereby apply to and request the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States; and

Resolved, That we hereby request our Representatives in Congress and instruct our United States Senators to bring this matter to the attention of their respective bodies and to try and induce favorable action thereon; and

Resolved further, That the secretary of the State of Nevada is hereby directed to forthwith transmit a certified copy of these resolutions to the Vice-President of the United States, the Speaker of the House of Representatives in Congress, and to each of the Representatives and United States Senators in Congress from Nevada, and to the Speaker of the House of Representatives of each State in which the legislature is now or soon to be in session.

D. S. DICKERSON,
President of Senate.

R. E. SKAGGS,
Speaker of Assembly.

GEORGE L. SANFORD,
Secretary of Senate.

GEO. A. COLE,
Chief Clerk of Assembly.

Approved March 20, 1907.

JOHN SPARKS, Governor.

STATE OF NEVADA, Department of State, ss:

I, W. G. Douglass, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original assembly joint and concurrent resolution approved March 20, 1907, now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office in Carson City, Nev., this 23d day of March, A. D. 1907.

[SEAL.]

W. G. DOUGLASS,

Secretary of State.

By J. W. LEGATE, Deputy.

The VICE-PRESIDENT presented a concurrent resolution of the legislature of the Territory of Hawaii, praying that the number of justices of the supreme court of the Territory be increased from 3 to 5, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas the supreme court of the Territory of Hawaii is at present composed of 3 justices; and

Whereas many important and vital questions are constantly being presented for the consideration of said supreme court; and

Whereas, owing to the distance of the Territory from Washington, the expense of travel and the delay necessarily attached thereto, the costs of appeal from said supreme court of the Territory of Hawaii to the Supreme Court of the United States are so great as, in most cases, to bar such appeal:

Now therefore be it resolved by the senate (the house of representatives concurring), That the legislature of the Territory of Hawaii recommends that the supreme court of the Territory be increased to 5 members; and

Be it further resolved, That a copy hereof be forwarded to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 5, 1907.

We hereby certify that the foregoing concurrent resolution was adopted in the senate of the Territory of Hawaii on the 5th day of April, 1907.

E. F. BISHOP,
President of the Senate.
WILLIAM SANDOZ,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES,
Honolulu, Hawaii, April 6, 1907.

We hereby certify that the foregoing concurrent resolution was adopted in the house of representatives of the Territory of Hawaii on the 6th day of April, 1907.

H. L. HOLSTEIN, Speaker.
JOHN H. WISE, Clerk.

The VICE-PRESIDENT presented a petition of the legislative assembly of the Territory of Arizona, praying that an appropriation of \$5,000 be expended in the restoration, rehabilitation, and preservation of San Xavier Mission building, in San Xavier, Ariz., which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA,
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA, Territory of Arizona, ss:

I, W. F. Nichols, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of council memorial No. 3, which was filed in this office the 15th day of March, A. D. 1907, at 11.45 o'clock a. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed the seal of the Territory of Arizona at the city of Phoenix, the capital, this 29th day of March, A. D. 1907.

[SEAL.]

W. F. NICHOLS,

Secretary of the Territory of Arizona.

Council memorial No. 3.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, do most respectfully and earnestly represent that—

Whereas the San Xavier Mission, located in Pima County, Territory of Arizona, about 9 miles from the city of Tucson, is one of the most interesting and architecturally perfect examples of the mission style of construction of the ancient padres in the United States, and a relic worthy of preservation for the education and edification of future generations; and

Whereas said mission building is now in a state of decay and de-apidation: Therefore be it

Resolved by the twenty-fourth legislative assembly of the Territory of Arizona, That we earnestly and respectfully petition and request the Senate and House of Representatives of the United States in Congress assembled to appropriate the sum of five thousand (\$5,000) dollars, said sum to be expended in the restoration, rehabilitation, and preservation of the San Xavier Mission building; and be it further

Resolved, That the secretary of the Territory be, and hereby is, directed and requested to forward to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the chairman of the Committee on Appropriations of the House of Representatives, and the Hon. MARCUS A. SMITH, our Delegate in Congress, an engrossed copy of this memorial.

NEILL E. BAILEY,
Speaker of the House.

A. J. DORAN,
President of the Council.

The VICE-PRESIDENT presented the petition of William O. McDowell, president of the League of Peace of the United States, praying for the adoption of a proposed amendment to the Constitution, changing the date for the inauguration of the

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President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5284. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Iverness, FL" ((RIN2120-AA68) (Docket No. FAA-2011-0540)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5255. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Rugby, ND" ((RIN2120-AA66) (Docket No. FAA-2011-0433)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5256. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Portsmouth, OH" ((RIN2120-AA66) (Docket No. FAA-2011-0850)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5257. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Greenfield, IA" ((RIN2120-AA66) (Docket No. FAA-2011-0846)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5258. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Galbraith Lake, AK" ((RIN2120-AA66) (Docket No. FAA-2011-0865)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5259. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Rockingham, NC" ((RIN2120-AA66) (Docket No. FAA-2011-1146)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5260. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Kwigillingok, AK" ((RIN2120-AA66) (Docket No. FAA-2011-0881)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-66. A concurrent resolution adopted by the Senate of the State of North Dakota respectfully applies for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 4007

A concurrent resolution providing for the application for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

WHEREAS, Article V of the Constitution of the United States provides authority for a convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution of the United States upon application of two-thirds of the legislatures of the several states—an amendments convention; and

WHEREAS, the North Dakota Legislative Assembly favors the proposal and ratification of an amendment to the Constitution of the United States that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; Now, therefore, be it

Resolved by the Senate of North Dakota, the House of Representatives Concurring Therein: That the Sixty-second Legislative Assembly of the state of North Dakota respectfully applies for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and be it further

Resolved, that the amendments convention contemplated by this application must be focused entirely upon and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution of the United States providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and be it further

Resolved, that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention; and be it further

Resolved, that the Secretary of State forward copies of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the North Dakota Congressional Delegation, and to the presiding officers of each house of the several state legislatures, requesting their cooperation in applying for the amendments convention limited to the subject matter contemplated by this application.

POM-67. A resolution adopted by the Legislature of Rockland County, New York, requesting that the United States Congress pass bill H.R. 1064 and S. 587—The Fracturing Responsibility and Awareness of Chemicals (FRAC) Act; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself, Mr. WICKER, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, Mr. COCHRAN, Mr. INHOFF, Ms. LANDRIEU, Mr. TESTER, Mr. CRAPO, Mr. RISCH, Mr. MORAN, Mr. UDALL of New Mexico, and Mr. BAUCUS):

S. 2166. A bill to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MERKLEY:

S. 2167. A bill to increase the employment of Americans by requiring State workforce agencies to certify that employers are actively recruiting Americans and that Americans are not qualified or available to fill the positions that the employer wants to fill with H-2B nonimmigrants; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself, Mr. DURBIN, and Mr. HARKIN):

S. 2168. A bill to amend the National Labor Relations Act to modify the definition of supervisor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 2169. A bill to require the Director of the Bureau of Prisons to be appointed by and with the advice and consent of the Senate; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mr. LEE):

S. 2170. A bill to amend the provisions of title 5, United States Code, which are commonly referred to as the "Hatch Act" to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PRYOR (for himself and Mr. BLUNT):

S. 2171. A bill to enhance the promotion of exports of United States goods and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself, Mrs. GILLIBRAND, Ms. LANDRIEU, Mr. BENNET, Mrs. SHAHEEN, Ms. MCKULSKI, and Ms. MURKOWSKI):

S. 2172. A bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DEMINT (for himself, Mr. COBURN, Mr. HATCH, Mr. LEE, Mr. PAUL, Mr. TOOMEY, Mr. VITTER, and Mr. RISCH):

S. 2173. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. CARDIN, Mr. LEVIN, and Mr. COONS):

S. Res. 390. A resolution honoring the life and legacy of the Honorable Donald M. Payne; considered and agreed to.

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the standards for flame resistance and corrosiveness of certain insulation, and for other purposes.

HOUSE BILL AND CONCURRENT RESOLUTIONS REFERRED

The following bill was read twice by its title and referred as indicated:

H.R. 12426. An act to authorize the Secretary of the Treasury to provide financial assistance for the city of New York; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolutions were read by their titles and referred as indicated:

H. Con. Res. 441. A concurrent resolution providing for the printing of the report "New Perspectives in Health Care for Older Americans"; to the Committee on Rules and Administration.

H. Con. Res. 561. A concurrent resolution authorizing the printing as a House document the folder "The United States Capitol"; to the Committee on Rules and Administration.

COMMUNICATIONS

The PRESIDING OFFICER laid before the Senate the following communications, together with reports, documents and papers, which were referred as indicated:

EC-3771. A communication from the Acting Comptroller General of the United States, commenting on the President's eighth special message for fiscal year 1979 that was transmitted to the Congress pursuant to the Impoundment Control Act of 1974, proposing a rescission of budget authority for \$30 million, four new deferrals totaling \$55.1 million, and revisions to two previously transmitted deferrals; to the Committee on Appropriations, the Committee on the Budget, the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, the committee on Armed Services, and the Committee on Commerce, Science, and Transportation, jointly, pursuant to the order of January 30, 1975.

EC-3772. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Packers and Stockyards Act, 1921, to authorize value based tariffs; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3773. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Final Report of the Task Force on Housing Costs; to the Committee on Banking, Housing, and Urban Affairs.

EC-3774. A communication from the General Counsel, Office of the Secretary of Transportation, commenting on S. 2166, to revise and improve the laws relating to documentation of vessels, and for other purposes; S. 2165, to revise and improve the laws relating to documentation of seamen; and S. 881, to simplify the tonnage measurement of certain vessels; to the Committee on Commerce, Science, and Transportation.

EC-3775. A communication from the Secretary of the Army, transmitting, pursuant to law, a report of the Chief of Engineers, dated 12 May 1978, entitled "Projects Recommended for Deauthorization—3d Annual Report; to the Committee on Environment and Public Works.

EC-3776. A communication from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend title XIX of the Social Security Act; to the Committee on Finance.

EC-3777. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the Department of Defense's implementation of Public Law 93-365, section 2 (known as the "Nunn Amendment"), which required a reduction of 18,000 authorized military support personnel spaces in Europe in fiscal years 1975 and 1976 and permitted the Secretary of Defense to increase authorized combat spaces equivalently; to the Committee on Governmental Affairs.

EC-3778. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a follow-up report on the recommendations of the Presidential advisory committee on the report of the Board of Visitors to the Air Force Academy; to the Committee on Governmental Affairs.

EC-3779. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a follow-up report on the recommendations of the Presidential advisory committee on the report of the National Advisory Council on Extension and Continuing Education; to the Committee on Governmental Affairs.

EC-3780. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements of the Overseas Private Investment Corporation for Fiscal Year Ended September 30, 1977, and Transition Quarter Ended September 30, 1976," June 7, 1978; to the Committee on Governmental Affairs.

EC-3781. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Lower Cook Inlet—Another Example of More Data Needed for Appraising Outer Continental Shelf Oil and Gas Resources," June 8, 1978; to the Committee on Governmental Affairs.

EC-3782. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Cargo Preference Programs for Government-Financed Ocean Shipments Could Be Improved," June 8, 1978; to the Committee on Governmental Affairs.

EC-3783. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, an act adopted by the Council on May 2, 1978, which would eliminate the bar against the recovery of damages for pain and suffering by the legal representative, administrator or executor of a deceased victim in tort actions, to eliminate the bar against recovery of damages for pain and suffering from the legal representative, administrator or executor of a deceased tortfeasor in tort actions, and for other purposes (Act 2-199); to the Committee on Governmental Affairs.

EC-3784. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Better Services at Reduced Costs Through an Improved 'Personal Care' Program Recommended for Veterans," June 6, 1978; to the Committee on Governmental Affairs.

EC-3785. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Benefits and Problems Associated with Improving the Ratio of U.S. Combat Troops to Military Support Personnel in Europe," June 7, 1978; to the Committee on Governmental Affairs.

EC-3786. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, an act adopted by the Council on May 2, 1978, which would authorize the Board of Education of the District of Columbia to adopt, alter and

use a seal (Act 2-200); to the Committee on Governmental Affairs.

EC-3787. A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the Definition of Development Disabilities; to the Committee on Human Resources.

EC-3788. A letter from the Secretary of Labor, transmitting, pursuant to law, the first annual report of the Young Adult Conservation Corps; to the Committee on Human Resources.

EC-3789. A communication from the Director, Bureau of ESEA Title 1, Office of Funded Programs, Division of Community School District Affairs, Board of Education of the City of New York; transmitting pursuant to law, a document entitled "A Compendium of ESEA Title 1 Programs, 1976-77, 1977-78"; April 1978; to the Committee on Human Resources.

EC-3790. A communication from the Chairman, Administrative Conference of the United States, transmitting, pursuant to law, its report for 1977; to the Committee on the Judiciary.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions and memorials, which were referred as indicated:

POM-687. A concurrent resolution adopted by the Legislature of the State of Delaware; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION No. 9

"Whereas, millions of abortions are alleged to have been performed in the United States since the decision on abortions by the United States Supreme Court on January 22, 1973; and

"Whereas, the Congress of the United States has not proposed to date a 'human-life amendment' to the Constitution of the United States.

"Now therefore be it resolved that the House of Representatives of the 129th General Assembly of the State of Delaware, the Senate concurring herein, applies to the Congress of the United States to call a convention to propose an amendment to the Constitution that would protect the lives of all human beings including unborn children at every stage of their biological development.

"Be it further resolved that this application shall constitute a continuing application for such a convention pursuant to Article V of the Constitution of the United States until such time as the Legislatures of two-thirds of the States shall have made like applications and such convention shall have been called by the Congress of the United States.

"Be it further resolved that copies of this concurrent resolution be presented to the President of the Senate of the United States, the Secretary of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Clerk of the House of Representatives of the United States, and to each member of the Congress from Delaware attesting the adoption of this concurrent resolution by the 129th General Assembly of the State of Delaware."

POM-688. A memorial from the Young Crusaders, First United Methodist Church, Lafayette, Louisiana, relating to the death of the late Senator James Allen of Alabama; laid on the table.

POM-689. A memorial from the Greek Orthodox Archdiocese, New York, New York, relating to the death of the late Senator James Allen of Alabama; laid on the table.

POM-690. A memorial from the Government of Chile, relating to the death of the late Senator James Allen of Alabama; laid on the table.

President of the United States from March 4 to April 30, commencing in the year 1909, which was referred to the Committee on the Judiciary.

He also presented a petition of the National Association of Clothiers, of New York City, N. Y., praying for the enactment of legislation to improve the present financial system, which was referred to the Committee on Finance.

He also presented a memorial of the American Hardware Manufacturers' Association, of New York City, N. Y., remonstrating against any revision of the tariff except through the instrumentality of a nonpartisan commission, which was referred to the Committee on Finance.

Mr. CULLOM presented a joint resolution of the legislature of the State of Illinois, in favor of the adoption of an amendment to the Constitution making Senators of the United States elective in the several States by a direct vote of the people, which was referred to the Committee on Privileges and Elections and ordered to be printed in the Record, as follows:

FORTY-FIFTH GENERAL ASSEMBLY, REGULAR SESSION.

[House joint resolution No. 12. Introduced by Hon. John P. McGeorty.]

Resolved by the house of representatives of the State of Illinois (the senate concurring therein), That application is hereby made to the Congress under the provisions of Article 5 of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States, making the Senators of the United States elective in the several States by direct vote of the people; and

Resolved, further, That the secretary of state is hereby directed to transmit copies of this application to the Senate and House of Representatives of the Congress and copies to the Members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislatures now in session in the several States requesting their cooperation.

Adopted by the house May 9, 1907.

Concurred in by the senate May 10, 1907.

UNITED STATES OF AMERICA, State of Illinois, ss:

OFFICE OF THE SECRETARY OF STATE.

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the foregoing joint resolution of the forty-fifth general assembly of the State of Illinois, passed and adopted at the regular session thereof, is a true and correct copy of the original joint resolution now on file in the office of the secretary of state.

In witness whereof I hereunto set my hand and affix the great seal of state at the city of Springfield this 23d day of May, A. D. 1907.

[SEAL.]

JAMES A. ROSE,

Secretary of State.

Mr. CULLOM presented a joint resolution of the legislature of the State of Illinois in favor of placing the proposed report on the employment of women and children under the direction of the Bureau of Labor, Department of Commerce and Labor, to the end that a scientific investigation may be made into the economic and social results of such employment, which was referred to the Committee on Education and Labor and ordered to be printed in the Record, as follows:

FORTY-FIFTH GENERAL ASSEMBLY, REGULAR SESSION.

[House joint resolution No. 27. Introduced by Hon. Edward D. Shurtleff.]

Resolved by the house of representatives (the senate concurring therein), That we ask the Congress of the United States to provide that the proposed report on the employment of women and children be placed under the direction of the Bureau of Labor in the Department of Commerce and Labor, to the end that a scientific investigation may be made into the economical and social results of such employment; and be it further

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to the President of the United States, to the governors of each of the States and Territories, to the President and Speaker and Chief Clerks of both Houses of Congress, to each of the chief clerks of the legislature of each of the States and Territories, and to the Chief Statistician of the Bureau of Labor and Commerce.

Adopted by the house May 9, 1907.

Concurred in by the senate May 9, 1907.

UNITED STATES OF AMERICA, State of Illinois, ss:

OFFICE OF THE SECRETARY OF STATE.

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the foregoing joint resolution of the forty-fifth general assembly of the State of Illinois, passed and adopted at the regular session thereof, is a true and correct copy of the original joint resolution now on file in the office of the secretary of state.

In witness whereof I hereunto set my hand and affix the great seal of State, at the city of Springfield, this 16th day of May, A. D. 1907.

[SEAL.]

JAMES A. ROSE,

Secretary of State.

Mr. KEAN presented a joint resolution of the legislature of the State of New Jersey, in favor of the adoption of an amendment to the Constitution authorizing the election of United States Senators by direct vote of the people, which was referred to the Committee on Privileges and Elections and ordered to be printed in the Record, as follows:

Joint resolution No. 5.

Whereas Article V of the Constitution of the United States provides that "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States or by convention in three-fourths thereof," etc.; and

Whereas the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; and Whereas the United States Senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several States a chance to secure this much desired change in the method of electing Senators: Therefore be it

Resolved by the senate and general assembly of the State of New Jersey, Under the authority of Article V of the Constitution of the United States application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and

Resolved, That the secretary of the state be, and is hereby, directed to forward a properly authenticated copy of these resolutions to the President of the United States, to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

Approved, May 28, 1907.

STATE OF NEW JERSEY, DEPARTMENT OF STATE.

I, S. D. Dickinson, secretary of state of the State of New Jersey, do hereby certify that the foregoing is a true copy of joint resolution No. 5 of the legislature of the State of New Jersey, approved by the governor May 28, 1907, as the same is taken from and compared with the original now remaining on file in my office.

In testimony whereof I have hereunto set my hand and affixed my official seal, at Trenton, this 25th day of November, A. D. 1907.

[SEAL.]

S. D. DICKINSON,

Secretary of State.

Mr. GALLINGER presented the memorial of Josie Beaton, of East Rochester, N. H., remonstrating against the adoption of certain amendments to the present copyright law relating to musical compositions, which was referred to the Committee on Patents.

He also presented a petition of the Columbia Heights Citizens Association, of Washington, D. C., praying for the enactment of legislation providing for lower-priced and better-illuminating gas in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PERKINS presented a petition of the Chamber of Commerce of Stockton, Cal., praying that more liberal appropriations be made for the use of the Bureau of Soils, in the Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Mines, of Los Angeles, Cal., praying for the enactment of legislation waiving during 1907 and 1908 the provisions of the law requiring the performance of assessment work upon mining claims, which was referred to the Committee on Mines and Mining.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to establish a central banking system, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Ferndale, Cal., praying that an appropriation of \$750 be made for the survey of a canal from Eel River to Humboldt Bay, in that State, which was referred to the Committee on Commerce.

He also presented a memorial of the Associated Jobbers of Los Angeles, Cal., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a concurrent resolution of the legislature of the State of Minnesota, in favor of an appropriation to provide a suitable General Government building at the Alaska-Yukon-Pacific Exposition, which was referred to the Select Committee on Industrial Expositions and ordered to be printed in the Record, as follows:

The following concurrent resolution was passed by the house of representatives of the State of Minnesota on the 6th day of February, 1907, and was subsequently concurred in by the senate on 13th day of February, 1907.

Whereas there will be held in the city of Seattle, State of Washington, in 1909, the Alaska-Yukon-Pacific Exposition, international in scope and character; and

Whereas said exposition will exploit and make known to the world the resources and potentialities of Alaska and Yukon territories, the Orient and all the countries bordering on the Pacific Ocean, with their combined population of over nine hundred million people; and

Whereas said exposition, by reason of such exploitation, will tend to greatly enlarge and further develop the trade relations with these countries now enjoyed by the United States, and particularly of the Western and Northwestern States: Therefore be it

Resolved by the house of representatives of the State of Minnesota, (the senate concurring), That we respectfully petition the Congress of the United States to pass a sufficient appropriation providing for a suitable General Government building at the said Alaska-Yukon-Pacific Exposition, and that exhibits be placed therein showing the standing, progress, and advancement of the United States as a great commercial nation.

Resolved further, That the chief clerk of the house be instructed to transmit copies of this resolution to our Senators and Representatives in Congress, and that copies of this resolution also be sent to the Speaker of the House of Representatives and the President of the United States.

Attest:

ADOLPH E. L. JOHNSON,

Chief Clerk House of Representatives.

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Congress now commands an influence through the federal tax system; and

"Whereas, the federalization of the federal income tax will increase local government initiative and effectiveness by helping states, cities and counties to finance their own programs and set their own priorities with respect to solving unique and crucial local problems; now therefore be it

"Resolved, that the House of Representatives and the Senate of the State of New Hampshire in General Court convened, in accordance with Article V of the United States Constitution, hereby apply to Congress for the calling of a constitutional convention for the purpose of amending the Constitution to make adequate provision for federal-state revenue sharing; be it further

"Resolved, that signed copies of this resolution be certified by the Secretary of State and sent to the President of the United States Senate and the Speaker of the United States House of Representatives.

"ARTHUR TUFTS,
"President of the Senate.
"MARSHALL COBLEIGH,

"Speaker of the House of Representatives.
"CONCORD, N.H., July 15, 1969.

"I Robert L. Stark, Secretary of State of the State of New Hampshire, do hereby certify that the above Concurrent Resolution was passed by the General Court of the State of New Hampshire on June 27th nineteen hundred and sixty-nine.

"ROBERT L. STARK,
"Secretary of State."

A resolution adopted by the Club 100, Honolulu, Hawaii, praying for repeal of subtitle II of the Internal Security Act of 1950; to the Committee on the Judiciary.

A petition, signed by LeRoy Elvis, and sundry other citizens, of Conway S.C., protesting the prohibition of prayer and Bible reading in the public schools; to the Committee on the Judiciary.

A resolution adopted by the Board of Selectment, Ipswich, Mass., remonstrating against the issuance of a license to permit the dredging away of the sandbar at Sandy Point, Mass.; to the Committee on Public Works.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. ERVIN:

S. 3188. A bill to provide for compliance with constitutional requirements in the trials of persons who are charged with having committed certain offenses while subject to trial by court-martial, who have not been tried for such offenses, and who are no longer subject to trial by court-martial; and

S. 3189. A bill to provide for compliance with constitutional requirements in the trials of persons who, while accompanying the Armed Forces outside the United States, commit certain offenses against the United States; to the Committee on the Judiciary.

(The remarks of Mr. ERVIN when he introduced the bills appear later in the RECORD under the appropriate heading.)

By Mr. DOMINICK:

S. 3190. A bill providing for the Secretary of Health, Education, and Welfare, after consultation with the Surgeon General, to report annually to the Congress concerning the health consequences of using marihuana; to the Committee on Labor and Public Welfare.

(The remarks of Mr. DOMINICK when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CRANSTON (for himself and Mr. MURPHY):

S. 3191. A bill to withdraw various lands in

the counties of Mono and Inyo, Calif., from appropriations under the public land law, release certain lands in the counties of Mono and Inyo from withdrawal, acquire various lands owned by the city of Los Angeles, Calif., grant to the city of Los Angeles various land and water rights, modify the act of March 4, 1931, Executive Order No. 5843 (dated April 28, 1932) and Executive Order No. 6206 (dated July 19, 1933) and repeal the act of June 23, 1936, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. CRANSTON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MURPHY (for himself and Mr. CRANSTON):

S. 3192. A bill to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock; to the Committee on Public Works.

(The remarks of Mr. MURPHY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BAYH:

S. 3193. A bill for the relief of Graeme Ronald Houghton; to the Committee on the Judiciary.

S. 3188 AND S. 3189—INTRODUCTION OF BILLS RELATING TO THE TRIAL OF FORMER SERVICEMEN, U.S. EMPLOYEES STATIONED OVERSEAS, AND MILITARY DEPENDENTS

Mr. ERVIN. Mr. President. Recent disclosures of the alleged killing of Vietnamese civilians by American forces in the village of My Lai have brought to public attention once more a serious problem of jurisdiction which has existed since 1955. At present, there is no apparent jurisdiction in any American court, either State, Federal, or military, to try offenses committed by former U.S. servicemen while they were in military status.

This gap in jurisdiction stems from the Supreme Court case of *Toth v. Quarles*, 350 U.S. 11, decided in 1955. In that case, the Supreme Court ruled that section 3(a) of the Uniform Code of Military Justice was unconstitutional because it gave court-martial jurisdiction over persons who were not at the time of trial subject to military jurisdiction.

This problem has concerned the Constitutional Rights Subcommittee for over a decade. My distinguished predecessor as chairman of the Constitutional Rights Subcommittee, the late Senator Thomas Hennings of Missouri, introduced a bill in 1957 designed to give jurisdiction to Federal district courts over these cases. In the years since then, I have in turn introduced similar legislation, most recently in the 90th Congress.

In the past the proposals have been referred to the Judiciary Committee, and to the Constitutional Rights Subcommittee. The Subcommittee has wrestled with this exceedingly difficult constitutional problem all these years without success. Together with the Department of Defense, the Department of Justice, and the Department of State, we have tried to fashion a satisfactory legislative solution. The problem was considered by the subcommittee in its hearings on military justice in 1962 and again in 1966.

Because of the many problems inherent in this issue there has not in past pressing circumstance a quire enactment of the bill not reintroduce the proposal in this Congress.

Now it is again an issue is very critical. The President poses this problem. I have written the Department of Defense, and will today write the Departments of Justice and maintain their present thinking. In the meantime, I believe that the Congress have again one proposed solution in jurisdiction. For that reason, I reduce for appropriate reference bills which have been before the Constitutional Rights Subcommittee years. These bills confer jurisdiction on Federal district courts over persons—former servicemen of offenses committed before released from service, and are dependents of servicemen defense employees, stationed military overseas. This proposal is a suggestion made by Justice in his opinion in the *Toth* case are identical to those which introduced in the 90th Congress but one exception. I have limitation which made the effective only as to offenses after the enactment of the bill the legislation, if enacted properly could be made to cover prior offenses is only many very difficult questions be resolved.

I hasten to state, as I have introduced this legislation that I am not committed to in form or approach. This is a difficult and controversial problem subcommittee long ago decided issue is made no easier by the of the past few days.

For the guidance of the Senate, I have unanimous consent that the explanatory matter relating excerpted from the subcommittee reports in 1966, be printed in the RECORD at this point.

The PRESIDING OFFICER will be received and approved; and, without objection, and excerpt will be printed in the RECORD.

The bills (S. 3188) to provide compliance with constitutional requirements in the trials of persons who are charged with having committed certain offenses while subject to trial by court-martial, and who are no longer subject to trial by court-martial; and to provide for compliance with constitutional requirements in the trials of persons who, while accompanying the Armed Forces outside the United States, commit certain offenses against the United States, introduced by Mr. ERVIN, received, read twice by their titles to the Committee on the Judiciary, ordered to be printed in the RECORD as follows:

"public, we trust that a commendable zeal will be shown for obtaining those provisions, which, experience has taught us, are necessary to secure from danger the unalienable rights of human nature.

"The anxiety with which our countrymen press for the accomplishment of this important end, will ill admit of delay. The slow forms of Congressional discussion and recommendation, if, indeed, they should ever agree to any change, would, we fear, be less certain of success. Happily for their wishes, the Constitution hath presented an alternative, by admitting the submission to a convention of the States. To this, therefore, we resort as the source from whence they are to derive relief from their present apprehensions.

"We do, therefore, in behalf of our constituents, in the most earnest and solemn manner, make this application to Congress, that a convention be immediately called, of deputies from the several States, with full power to take into their consideration the defects of this Constitution that have been suggested by the State Conventions, and report such amendments thereto as they shall find best suited to promote our common interests, and secure to ourselves and our latest posterity, the great and unalienable rights of mankind."

JOHN JONES, *Speaker Senate.*

THOMAS MATHEWS, *Speaker House Del."*

A message from the Senate, by Mr. Otis, their Secretary:

Mr. Speaker: The Senate have passed the bill, entitled, "An act to regulate the time and manner of administering certain oaths," with amendments, to which they desire the concurrence of your House. And then he withdrew.

The House resumed the consideration of the resolutions reported from the Committee of the Whole House on the state of the Union, the twenty-first ultimo, and made a farther progress therein.

And then the House adjourned until to-morrow morning eleven o'clock.

WEDNESDAY, MAY 6.

Another member, to wit, John Vining, from Delaware, appeared and took his seat.

A bill for laying a duty on goods, wares, and merchandises, imported into the United States, was read the second time, and ordered to be committed to a Committee of the Whole House to-morrow.

A petition of Arthur Greer, of the State of Pennsylvania, was presented to the House and read, setting forth that he has invented a machine which he conceives has reduced to a certainty the discovery of the true longitude or departure from any given meridian North of the Equator, and praying that an exclusive patent, for his discovery, may be granted him for the space of twenty-one years.

Ordered, That the said petition do lie on the table.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act to regulate the time and manner of administering certain oaths," and the same being twice read at the Clerk's table, were amended, and agreed to by the House.

Ordered, That the Clerk of this House do acquaint the Senate therewith, and desire their concurrence to the amendment to their amendments.

Mr. Lawrence, one of the Representatives from New York, presented to the House an application, in the name and behalf of the Legislature of that State, addressed to the Congress of the United States; which was read: Whereupon,

Ordered, That the said application be entered on the Journal, and carefully preserved by the Clerk of this House, among the files in his office.

The said application is as followeth:

"STATE OF NEW YORK,

In Assembly, February 5, 1789.

Resolved, If the honorable the Senate concur therein, that an application be made to the Congress of the United States of America, in the name and behalf of the Legislature of this State, in the words following, to wit:

The People of the State of New York having ratified the Constitution agreed to on the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, by the Convention then assembled at Philadelphia, in the State of Pennsylvania, as explained by the said ratification, in the fullest confidence of obtaining a revision of the said Constitution by a General Convention; and in confidence that certain powers in and by the said Constitution granted, would not be exercised, until a Convention should have been called and convened for proposing amendments to the said Constitution: In compliance, therefore, with the unanimous sense of the Convention of this State, who all united in opinion that such a revision was necessary to re-

1910.

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Mr. BORAH. Mr. President—
The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. Certainly.

Mr. BORAH. I was absent from the Chamber when Idaho was supposed to have been enlisted in this matter, and I desire to say that there is no doubt in my mind that Idaho is in favor of the principle of electing Senators by popular vote, and that our legislature was not insane when it so declared.

Mr. OWEN. I have not the slightest doubt of the correctness of the view of the junior Senator from Idaho, and am glad to have the junior Senator from Idaho answer the senior Senator from Idaho as to the views of the people of Idaho, and as to the sanity of the legislature of that State.

NEVADA.

Senate concurrent resolution relating to the election of United States Senators by direct popular vote.

Whereas the people of this State, as shown by a vote taken thereon, favor an amendment to the Constitution of the United States providing for the election of United States Senators by a direct popular vote; and Whereas it is evident that a large majority of the American people favor such an amendment, as shown by the tone of the public press and by the resolutions of the state legislatures of the various States and the resolution passed by the National House of Representatives; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments thereto:

Resolved, therefore (if the assembly concur), That the legislature of the State of Nevada favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and respectfully requests that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by a direct vote of the people.

Resolved, That a copy of this resolution and application to Congress for the calling of a convention be sent to the President of the United States, the Speaker of the House of Representatives, and to each of the Representatives of the State of Nevada in the Congress of the United States.

Resolved, That our Representative in Congress be directed to urge upon Congress the calling of a convention provided for by these resolutions.

The people of Nevada directly nominate United States Senators. (Nevada primary laws, 1883, chap. 18. Mandatory; rudimentary.)

New Hampshire primary laws, 1905, chapter 95; 1907, chapter 105. Partly mandatory; partly optional; rudimentary.

NEW JERSEY.

Joint resolution 5.

Whereas Article V of the Constitution of the United States provides that "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by convention in three-fourths thereof," etc.; and

Whereas the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; and Whereas the United States Senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several States a chance to secure this much desired change in the method of electing Senators: Therefore be it

Resolved by the senate and general assembly of the State of New Jersey, Under the authority of Article V of the Constitution of the United States application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and

Resolved, That the secretary of state be, and is hereby, directed to forward a properly authenticated copy of these resolutions to the President of the United States, to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

Approved May 28, 1907.

STATE OF NEW JERSEY, Department of State:

I, S. D. Dickinson, secretary of state of the State of New Jersey, do hereby certify that the foregoing is a true copy of joint resolution No. 5 of the legislature of the State of New Jersey, approved by the governor May 28, 1907, as the same is taken from and compared with the original now remaining on file in my office.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at Trenton, this 25th day of November, A. D. 1907.

S. D. DICKINSON,

Secretary of State.

The people of New Jersey directly nominate United States Senators under the protection of the law of 1908. (New Jersey primary laws, 1898, chap. 139, and subsequent amendments. Mandatory; state wide; partly direct and partly indirect.)

New York primary laws, act of 1898, chapter 179, as amended each succeeding year. Mandatory; partly state wide; partly local; direct features optional.

NORTH CAROLINA.

A joint resolution relative to amending the Constitution of the United States to provide for the election of United States Senators by a direct vote of the people of the respective States.

Whereas there is a widespread and rapidly growing belief that the Constitution of the United States should be so amended as to provide for the election of the United States Senators by the direct vote of the people of the respective States; and

Whereas other amendments to the United States Constitution are by many intelligent persons considered desirable and necessary; and

Whereas the Senate of the United States has so far neglected to take any action whatever upon the matter of changing the manner of electing United States Senators, although favorable action upon such proposed change has several times been unanimously taken by the House of Representatives: Therefore

Be it resolved by the house of representatives of the State of North Carolina (the senate concurring therein), That the legislature of North Carolina, in accordance with the provisions of Article V of the Constitution of the United States, hereby apply to and request the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States; and

Resolved, That we hereby request our Representatives in Congress and instruct our United States Senators to bring this matter to the attention of the respective bodies and to try and induce favorable action thereon; and

Resolved further, That the secretary of the State of North Carolina is hereby directed to forthwith transmit a certified copy of these resolutions to the Vice-President of the United States, the Speaker of the House of Representatives in Congress, and to each of the Representatives and United States Senators in Congress from North Carolina, and to the speaker of the house of representatives of each State in which the legislature is now or soon to be in session.

In the general assembly; read three times, and ratified this the 11th day of March, A. D. 1907.

STATE OF NORTH CAROLINA, Office of Secretary of State:

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (two sheets) to be a true copy from the records of this office.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh this 4th day of April, in the year of our Lord 1908.

J. BRYAN GRIMES,
Secretary of State.

North Carolina primary laws, 1907 (numerous special acts). Mandatory and optional; local; rudimentary.

NORTH DAKOTA.

The people of North Dakota directly nominate United States Senators under the protection of the law of 1907. (North Dakota primary laws, 1907, chap. 109. Mandatory; state wide; direct.)

OHIO.

The people of Ohio directly advise as to United States Senators. Ohio permits under law of 1908 the direct nomination of Senators by primary. (Ohio primary laws, 1908. Mandatory; state wide; delegate and direct; direct in cities and counties; advisory vote on United States Senator.)

OKLAHOMA.

Senate joint resolution 9.—Relating to the calling of a convention of the States to propose amendments to the Constitution of the United States providing for the election of United States Senators by direct vote of the people, and for other purposes, and providing for the appointment of a senatorial election commission of the State of Oklahoma.

Whereas a large number of the state legislatures have at various times adopted memorials and resolutions in favor of the election of United States Senators by direct vote of the people of the respective States; and

Whereas the National House of Representatives has on several different occasions in recent years adopted resolutions in favor of the proposed change in the method of electing United States Senators, which were not adopted by the Senate: Therefore be it

Resolved by the senate and the house of representatives of the State of Oklahoma, That the legislature of the State of Oklahoma, in accordance with the provisions of Article V of the Constitution of the United States, desires to join with the other States of the Union to respectfully request that a convention of the several States be called for the purpose of proposing amendments to the Constitution of the United States, and hereby apply to and request the Congress of the United States to call such convention and to provide for submitting to the several States the amendments so proposed for ratification by the legislatures thereof, or by conventions therein, as one or the other mode of ratification may be proposed by Congress.

SEC. 2. That at said convention the State of Oklahoma will propose, among other amendments, that section 3 of Article I of the Constitution of the United States should be amended to read as follows:

"The Senate of the United States shall be composed of two Senators from each State, chosen by the electors thereof, as the governor is chosen, for six years; and each Senator shall have one vote. They shall be divided as equally as may be into three classes, so that one-third may be chosen every year; and if vacancies happen by resignation or otherwise the governor may make temporary appointments until the next regular election in such State. No person shall be a Senator who shall not have attained the age of 30 years, and been nine years a citizen of the United States, and who shall not when elected be an elector of the State for which he shall be chosen. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided. The Senate shall choose their own officers and also a President pro tempore in the absence of the Vice-President or when he shall exercise the office of the President of the United States."

SEC. 3. A legislative commission is hereby created, to be composed of the governor and eight members, to be appointed by him, not more than four of whom shall belong to the same political party, to be known as

1909.

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mittée on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 5, twenty-fifth legislative assembly of the State of Oregon, adopted by the house January 22, 1909, and concurred in by the Senate January 26, 1909, together with the indorsements thereon; and that it is a full, true, and complete copy of the original, as filed in the office of the secretary of state of the State of Oregon on the 28th day of January, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.
Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

F. W. BENSON,
Secretary of State.

TWENTY-FIFTH LEGISLATIVE ASSEMBLY
OF THE STATE OF OREGON,
HOUSE OF REPRESENTATIVES.

House joint memorial 5.

We, the legislative assembly of the State of Oregon, most respectfully memorialize Congress to reject any legislation looking to the repeal of the present tax on oleomargarine.
Adopted by the house January 22, 1909.

C. N. MCARTHUR,
Speaker of the House.

Concurred in by the senate January 26, 1909.

JAY BOWERMAN,
President of the Senate.

Indorsed: House joint memorial 5, W. F. Drager, chief clerk; filed January 28, 1909, F. W. Benson, secretary of state.

The PRESIDENT pro tempore presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
SENATE CHAMBER.

Senate joint memorial 4.

Whereas there is a general demand by the people of the United States and of the State of Oregon for better and more permanent public roads: Therefore be it

Resolved by the senate of the State of Oregon (the house concurring), That it is the sense of the people of this State that the National Government should aid in the permanent construction of the main highways, and that the Congress of the United States is hereby memorialized to extend some such aid by the appropriation of a percentage of the cost of such permanently improved main highways throughout the different States of the Union where and whenever a State and the several counties thereof shall by statute extend a like aid in so permanently improving their main highways, or that the loan of public money by the Treasurer of the United States be authorized for such construction or the aiding thereof, or by both the appropriation and loan and in such sums and under such conditions as may be by said Congress determined upon and deemed advisable. Be it further

Resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States in Congress assembled and to the legislatures of the several States of the Union by the secretary of state.

Adopted by the senate January 20, 1909.

JAY BOWERMAN, President.
Concurred in by the house January 22, 1909.
C. N. MCARTHUR, Speaker.

Indorsed: Senate joint memorial 4, Wm. H. Barry, chief clerk; filed January 26, 1909, F. W. Benson, secretary of state.

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 4, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate January 20, 1909, and concurred in by the house January 22, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 26th day of January, 1909.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON, Secretary of State.

The PRESIDENT pro tempore presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
SENATE CHAMBER.
Senate resolution 4.

Be it resolved by the senate of the State of Oregon (the house of representatives concurring), That the following application to the Congress of the United States of America, applying to Congress to provide for the calling of a convention to propose an amendment to section 3 of Article I of the Constitution of the United States, so that the United

States Senators from each State shall be elected by the direct vote of the qualified electors in each State, be, and the same is hereby, adopted: *To the honorable Congress of the United States of America, represented in Senate and House of Representatives:*

The legislature of the State of Oregon hereby applies to your honorable body to provide for the calling of a convention to propose an amendment to section 3 of Article I of the Constitution of the United States of America, so as to provide therein that the United States Senators from each State shall be elected by the direct vote of the qualified electors in each State, and to further provide for the ratification of said proposed amendment by the several States as made and provided for in Article V of the Constitution of the United States.

That the aforesaid application shall be signed by the president of the senate and the speaker of the house of representatives, and attested by the chief clerk of each house, and a certified copy thereof, duly authenticated, shall be sent by the secretary of state to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, to each Member of the delegation in Congress from this State, and to the legislature of each State in the United States.

Adopted by the senate January 19, 1909.

JAY BOWERMAN, President.

Adopted by the house January 22, 1909.

C. N. MCARTHUR, Speaker.

Indorsed: Senate joint resolution 4, Wm. H. Barry, chief clerk; filed January 26, 1909, F. W. Benson, secretary of state.

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint resolution No. 4, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate January 19, 1909, and concurred in by the house January 22, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 26th day of January, 1909, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.
Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON, Secretary of State.

The PRESIDENT pro tempore presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
TWENTY-FIFTH LEGISLATIVE ASSEMBLY,
HALL OF REPRESENTATIVES.

House joint memorial 3.

Be it resolved by the house of representatives of the State of Oregon (the senate concurring), That the following application to the Congress of the United States of America, applying to Congress to provide for the calling of a convention to propose an amendment to section 3 of Article I of the Constitution of the United States, so that the United States Senators from each State shall be elected by the direct vote of the qualified electors in each State, be and the same is hereby, adopted: *To the honorable Congress of the United States of America, represented in Senate and House of Representatives:*

The legislature of the State of Oregon hereby applies to your honorable body to provide for the calling of a convention to propose an amendment to section 3 of Article I of the Constitution of the United States of America, so as to provide therein that the United States Senators from each State shall be elected by the direct vote of the qualified electors in each State, and to further provide for the ratification of said proposed amendment by the several States as made and provided for in Article V of the Constitution of the United States; and, be it further

Resolved, That the aforesaid application shall be signed by the president of the senate and the speaker of the house of representatives, and attested by the chief clerk of each house, and a certified copy thereof, duly authenticated, shall be sent by the secretary of state to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, to each member of the delegation in Congress from this State, and to the legislature of each State in the United States.

Adopted by the house, January 22, 1909.

C. N. MCARTHUR,
Speaker.

Concurred in by the senate, January 26, 1909.

JAY BOWERMAN,
President.

Indorsed: House joint memorial 3, W. F. Drager, chief clerk; filed January 27, 1909, F. W. Benson, secretary of state.

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state, of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 3, twenty-fifth legislative assembly of the State of Oregon, adopted by the house January 22, 1909, and concurred in by the senate January 26, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 27th day of January, 1909, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1909.

[SEAL.] F. W. BENSON, Secretary of State.

Mr. PLATT presented a memorial of General Shields-Corcoran Post, No. 69, Department of New York, Grand Army of the Republic, of New York City, N. Y., remonstrating against

provide for the addition of certain land in the State of Arizona to the Montezuma Castle National Monument, which was, on page 2, line 14, after the word "necessary", to insert "but not to exceed \$25,000."

Mr. HAYDEN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

PERSONNEL REQUIREMENTS OF DEPARTMENTS AND AGENCIES

Letters from the Secretary of State, the Under Secretary of Agriculture, the Secretary of Commerce, the Chairman of the Federal Trade Commission, the Chairman of the Federal Deposit Insurance Corporation, the Comptroller General of the United States, the Administrative Officer of the President's Committee on Fair Employment Practice of the Office for Emergency Management, and the Secretary of the Smithsonian Institution, submitting, pursuant to law, estimates of personnel requirements for their respective departments and offices for the quarter ended December 31, 1943, and for the Department of Agriculture for the quarter ended September 30, 1943 (with accompanying papers); to the Committee on Civil Service.

REMISSION OF CLAIMS ON ACCOUNT OF OVERPAYMENTS TO CERTAIN CHARWOMEN

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to remit claims of the United States on account of overpayments to part-time charwomen in the Bureau of Engraving and Printing, and for other purposes (with an accompanying paper); to the Committee on Claims.

REPORT ON PERSONNEL OF THE LAND FORCES

A letter from the Secretary of War, submitting, pursuant to law, a confidential report relating to the personnel of the land forces on August 31, 1943; to the Committee on Military Affairs.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Attorney General, submitting, pursuant to law, a report stating all the facts and pertinent provisions of law in the cases of 131 individuals whose deportation has been suspended for more than 6 months under the authority vested in him together with a statement of the reason for such suspension (with an accompanying report); to the Committee on Immigration.

ABSTRACTING, TITLING, ETC., OF FEDERAL LANDS

A letter from the Comptroller General of the United States, reporting, in accordance with law, as to suggested legislation the purpose of which is to establish and centralize in the General Land Office, Department of the Interior, the necessary facilities for the acquisition, abstracting, titling, recording, and disposition of Federally owned and controlled lands (with an accompanying paper); to the Committee on Public Lands and Surveys.

FEES OF KICKBACKS, GIFTS, OR GRATUITIES TO EMPLOYEES UNDER COST-PLUS-A-FIXED-FEE CONTRACTS

A letter from the Comptroller General of the United States, transmitting, in accordance with law, a draft of proposed legislation having for its purpose the elimination of the practice by subcontractors under cost-plus-a-fixed-fee prime contracts of paying fees or

kickbacks, or of granting gifts or gratuities to employees of cost-plus-a-fixed-fee prime contractors, or of other subcontractors, for the purpose of securing the award of orders or subcontracts thereunder (with an accompanying paper); to the Committee on Expenditures in the Executive Departments.

REGISTRANTS DEFERRED BECAUSE OF EMPLOYMENT UNDER THE GOVERNMENT

A letter from the Director of the Selective Services System, transmitting, pursuant to law, the fifth monthly list of registrants who have been deferred because of their employment in or under the Federal Government as of September 15, 1943 (with accompanying papers); to the Committee on Military Affairs.

PETITION AND MEMORIAL

The VICE PRESIDENT laid before the Senate the following resolutions of the Legislature of Pennsylvania, which were referred to the Committee on the Judiciary:

Joint resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States prohibiting the imposition of conditions upon grants of moneys and rebates of taxes in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

SECTION 1. The General Assembly of the Commonwealth of Pennsylvania hereby makes application to the Congress of the United States, in accordance with the provisions of article V of the Constitution of the United States, to call a convention for proposing the following amendment to the Constitution of the United States:

Resolved by the Convention for proposing amendments to the Constitution of the United States, called by the Congress of the United States, pursuant to application of the legislatures of two-thirds of the several States, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. All grants of public moneys to the several States or political subdivisions thereof shall be outright and without condition, except as to the public purpose for which they shall be used. Congress shall not make any law providing to any State or to the people thereof any rebate, refund, or payment by way of taxes or otherwise, except in the exercise of powers delegated to the United States by the Constitution. Any State through its proper officers may enforce the provisions of this article by injunctive process.

"Sec. 2. The Secretary of the Commonwealth shall transmit certified copies of this resolution to the President of the Senate of the United States and to the Speaker of the House of Representatives of the United States and to the president of the senate and the speaker of the house of representatives of the legislatures of each of the other 47 States of the United States.

"Sec. 3. The provisions of this resolution shall become effective immediately upon its final enactment."

JOHN C. BELL,
President of the Senate.
IRA T. FISS,

Speaker of the House of Representatives.
Approved the 27th day of May A. D. 1943.
EDWARD MARTIN, Governor.

Concurrent resolution memorializing the Congress of the United States to amend the Constitution of the United States relative to taxes on incomes, gifts, and inheritances; and providing limitations on taxes so levied; and repealing the sixteenth amendment to the Constitution of the United States

Whereas there is now pending in the current session of the Congress of the United States proposed legislation to repeal the sixteenth amendment to the Constitution of the United States and to amend the Constitution of the United States relative to taxes on incomes, gifts, and inheritances; and providing for a limitation of taxes thereon; and

Whereas the people of the State of Pennsylvania are greatly interested in the passage of such legislation: Now therefore, be it

Resolved by the House of Representatives of the State of Pennsylvania (the Senate concurring), That the Congress of the United States be memorialized as follows: That application be, and it is hereby, made to the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States.

"ARTICLE —

"SECTION 1. The sixteenth amendment to the Constitution of the United States is hereby repealed

"Sec. 2. The Congress shall have power to lay and collect taxes on incomes from whatever source derived without apportionment among the several States and without regard to any census or enumeration: *Provided*, That in no case shall the maximum rate of tax exceed 25 percent.

"Sec. 3. The maximum rate of any tax, duty, or excise, which Congress may lay and collect with respect to the devolution or transfer of property or any interest therein, upon or in contemplation of death, or intended to take effect in possession or enjoyment at or after death, or by way of gifts, shall in no case exceed 25 percent.

"Sec. 4. Sections 1 and 2 shall take effect at midnight on the 31st day of December following the ratification of this article. Nothing contained in this article shall affect the power of the United States after said date, to collect any tax on incomes for any period ending on or prior to said 31st day of December, laid in accordance with the terms of any law then in effect.

"Sec. 5. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of section 3, laid in accordance with the terms of any law then in effect." Be it further

Resolved, That the Congress of the United States be and it hereby is requested to provide as the mode of ratification, that said amendment shall be valid to all intents and purposes as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several States; be it further

Resolved, That the secretary of state be and he hereby is directed to send a duly certified copy of this resolution to the Senate of the United States and one to the House of Representatives in the Congress of the United States and to each Pennsylvania Member thereof.

IRA T. FISS,
Speaker of the House of Representatives.
W. J. RIDGE,
Chief Clerk of the Senate.
W. E. HABYSHAW,
Chief Clerk of the House of Representatives.

J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.

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CONGRESSIONAL RECORD—SENATE

April 4, 1989

"Whereas, under Article V of the United States Constitution, amendments to the Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or, on the application of the legislatures of two-thirds of the several States, the Congress shall call a Constitutional Convention for the purposes of proposing amendments: Now, therefore, be it

Resolved, by the House of Representatives of the State of South Dakota, the Senate concurring therein, that the Legislature does hereby make application to the Congress of the United States that procedure be instituted in the Congress to amend the Constitution of the United States, and that the Legislature of the State of South Dakota hereby requests the Congress to prepare and submit to the several States amendments to the Constitution of the United States, which would provide for four-year terms for the House of Representatives and which would limit service in the Senate to two terms and to limit service in the House of Representatives to three four-year terms; and be it further

Resolved, That alternatively, this Legislature hereby makes application under said Article V of the Constitution of the United States and with the same force and effect as if this Resolution consisted of this portion alone and requests that the Congress of the United States call a Constitutional Convention for the specific and exclusive purpose of proposing amendments to the Constitution of the United States, which would provide for four-year terms for the House of Representatives and which would limit service in the Senate to two terms and to limit service in the House of Representatives to three four-year terms; and be it further

Resolved, That this application by this Legislature constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislature of the several States have made applications for similar relief pursuant to Article V, but, if Congress proposes amendments to the Constitution identical in subject matter to that contained in this Joint Resolution then this petition for a Constitutional Convention shall no longer be of any force or effect; and be it further

Resolved, That this Legislature also proposes that the legislatures of each of the several States comprising the United States apply to the Congress requesting the enactment of appropriate amendments to the Federal Constitution, or requiring the Congress to call a Constitutional Convention for proposing such amendments to the Federal Constitution; and be it further

Resolved, That copies of this Joint Resolution be sent by the Secretary of State to each member of the South Dakota Congressional Delegation; and be it further

Resolved, That the Secretary of State is directed to send copies of this Joint Resolution to the presiding officers of both Houses of the Legislature of each of the other States in the Union, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D.C."

POM-43. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on the Judiciary:

"Whereas, the unlawful sale and use of illegal drugs in our country is an increasing problem; and

"Whereas, these drugs have a damaging effect on the youth of our country; and

"Whereas, illegal drugs are responsible for a growing percentage of the violent crime in this country; and

"Whereas, the amount of money spent for illegal drugs is a drain on the economies of the state and nation; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Nevada Legislature hereby urges the Congress of the United States to adopt legislation to establish more effective programs for the interdiction of illegal drugs and to appropriate additional money to the United States Coast Guard to assist in this effort; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval."

POM-44. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Veterans' Affairs:

"STATE OF MAINE JOINT RESOLUTION

"Whereas, there is continually increasing evidence that many medical conditions are associated with exposure to dioxin; and

"Whereas, many veterans have elevated dioxin levels in their bodies; and

"Whereas, the failure of the United States Veterans Administration to consider these conditions as service-related, until further studies are conducted, will cause additional suffering and distress to these veterans; now, therefore, be it

Resolved, That We, your Memorialists, respectfully recommend and urge the Congress of the United States to direct the United States Veterans Administration to make available to any Vietnam-era veteran who was potentially exposed to dioxin-contaminated herbicides while in military service, a test which measures the level of dioxin (2, 3, 7, 8-TCDD) in the veteran's body; and be it further

Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, each member of the Maine Congressional Delegation and each governor of the 50 states and the United States territories."

POM-45. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Veterans' Affairs:

"STATE OF MAINE JOINT RESOLUTION

"Whereas, many Vietnam veterans have developed conditions which are more prevalent among this group than among the general populace, such as chloracne, porphyria cutanea tarda, non-Hodgkin's lymphoma and lung cancer; and

"Whereas, these conditions require extensive medical care and may make the veteran partially or totally disabled; and

"Whereas, the failure of the United States Veterans Administration to consider these conditions as service-related has caused additional suffering and distress to these veterans; now, therefore, be it

Resolved, That We, your Memorialists, respectfully recommend and urge the Congress of the United States to grant presumptive compensation to Vietnam veterans with

these conditions and to allow such compensation for additional conditions as the evidence accumulates; and be it further

Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George Bush, President of the United States; the President of the Senate; and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation and each governor of the 50 states and United States territories."

POM-46. A resolution adopted by the Senate of the State of Washington; ordered to lie on the table:

"STATE OF WASHINGTON SENATE RESOLUTION

"Whereas, the Federal Salary Commission recommended that the salaries of members of Congress, federal judges and high administrative officials be raised from \$89,500 to \$135,000 a year; and

"Whereas, this increase is in the budget submitted to Congress; and

"Whereas, each house of the Congress must recommend by a vote of disapproval that this pay raise not take place; and

"Whereas, House Speaker Jim Wright has refused to allow a vote until the pay raise becomes effective; and

"Whereas, in the face of continuing national budget deficits in the billions, this is no time for members of Congress to allow such an increase to take place by default by failing to vote in each house on this issue; and

"Whereas, a salary increase for Congress in an amount equal to federal employee pay raises would be appropriate; now therefore, be it

Resolved, by the Senate of the State of Washington, That each member of the United States House of Representatives and the United States Senate be given the opportunity to cast their vote for or against the pay raise to \$135,000 prior to the effective date of the increase; and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Washington State delegation in the Congress."

POM-47. A joint resolution adopted by the Legislature of the State of Colorado; ordered to lie on the table:

"SENATE JOINT MEMORIAL No. 2

"Whereas, the salaries of members of Congress, federal judges, and top officials in the executive branch of the federal government will be increased fifty percent from current salary levels unless both houses of Congress reject such salary increases by joint resolution before twelve o'clock midnight, February 7, 1989; and

"Whereas, the implementation of such salary increases will result in the members of Congress receiving \$135,000 instead of the \$89,500 currently received; and

"Whereas, allowing such salary increases is inappropriate in light of current economic conditions throughout the United States and in light of the fact that many citizens have not received salary increases in recent years due to such depressed economic conditions; and

"Whereas, the cost of implementing such salary increases is extravagant in light of the magnitude of the problem of the federal deficit; and

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CONGRESSIONAL RECORD—SENATE

3369

Whereas the governor of this State in his inaugural address called attention to the importance of the proposed canal across this State to link up the Delaware River with New York Bay; and

Whereas the State has spent thousands of dollars in a survey begun in 1911 and in monumenting the course of the canal; has appropriated \$150,000 toward the cost of acquiring the right of way; and has practically pledged proceeds from the sale of the Morris Canal for the acquisition of such right of way; and

Whereas the Federal Government has practically completed its traffic survey and study of the proposed canal: Now, therefore, be it

Resolved by the senate (the house of assembly concurring), That we urge upon the Congress of the United States and the various departments connected with the inception and completion of this project to speed in every possible way the building of this important link in our great national system of waterways.

THOMAS A. MATHIS,
President of the Senate.

Attest:

ROBERT M. JOHNSTON,
Secretary of the Senate.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Illinois, which was referred to the Committee on Interstate Commerce:

Certificate No. 2398

STATE OF ILLINOIS,
OFFICE OF THE SECRETARY OF STATE.

To all to whom these presents shall come, greeting:

I, William J. Stratton, secretary of state of the State of Illinois, do hereby certify that the following and hereto attached is a true photostatic copy of Senate Joint Resolution No. 27, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of the State of Illinois.

Done at the city of Springfield this 20th day of June, A. D. 1929.

[SEAL.]

WILLIAM J. STRATTON,
Secretary of State.

STATE OF ILLINOIS,
FIFTY-SIXTH GENERAL ASSEMBLY.

Senate Joint Resolution 27

Whereas, in the absence of control, there has grown up a class of interstate motor bus operation which is entirely unregulated and altogether irresponsible and subject to the regulation of no State or Federal authority whatever; and

Whereas the traveling public is being constantly victimized by such operators crossing State lines between Illinois and neighboring States, and who resort to all sorts of illegitimate and unscrupulous activities at the expense of travelers who are unable to obtain redress; and

Whereas the bus lines operating under the regulation of the Illinois Commerce Commission are a source of large revenue to the State, and now constitute one of the State's major public utilities; and

Whereas the activities of the unregulated interstate "wildcat" operators subject both the legitimate stage lines and other forms of transportation to unfair, injurious, and unscrupulous competition; and

Whereas the present condition is highly detrimental to the interests of the State of Illinois, to the legitimate transportation interests, to the traveling public, and to the public generally; and

Whereas such conditions present an urgent need for adequate Federal regulation, at least as to proper certification and control: Now, therefore, be it

Resolved by the Senate of the Fifty-sixth General Assembly of the State of Illinois (the House of Representatives concurring herein), That the President of the United States, the Senate and House of Representatives of the present Congress, and the Interstate Commerce Commission be memorialized to take all possible and necessary action to provide proper legislation to control and regulate the activities of interstate motor-bus lines; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the present Congress, and to each Senator and Representative therein from the State of Illinois, and to each member of the Interstate Commerce Commission.

Adopted by the senate June 4, 1929.

FRED E. STERLING,
President of the Senate.
JAMES H. PADDOCK,
Secretary of the Senate.

Concurred in by the house of representatives, June 8, 1929.
DAVID E. SHANAHAN,
Speaker of the House of Representatives.
GEORGE C. BLAEUER,
Clerk of the House of Representatives.

Filed 10th a. m., June 20, 1929.

WILLIAM J. STRATTON,
Secretary of State.

The VICE PRESIDENT also laid before the Senate the following joint resolutions of the Legislature of the State of Wisconsin, which were referred to the Committee on the Judiciary:

STATE OF WISCONSIN.

Senate Joint Resolution 83

Joint resolution memorializing the Congress of the United States to discharge the mandatory duties imposed upon it by Article V of the Constitution of the United States to call a convention to propose amendments to the Constitution

Whereas the legislatures of the following 35 States have filed a formal application with Congress to call a convention for the purpose of proposing amendments to the Constitution of the United States: Alabama, Arkansas, California, Colorado, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin; and

Whereas Article V of the Constitution of the United States reads as follows: "The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate"; and

Whereas this article makes it mandatory upon the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution whenever two-thirds of the States shall have made application therefor: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the Legislature of the State of Wisconsin respectfully requests that the Congress of the United States perform the mandatory duty imposed upon it by the above-quoted Article V and forthwith call a convention to propose amendments to the Constitution of the United States; be it further

Resolved, That properly attested copies of this resolution be transmitted to the presiding officers of both Houses of the Congress of the United States and to each Wisconsin Member thereof.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
CHAS. B. FERRY,
Speaker of the Assembly.
C. E. SHAFER,
Chief Clerk of the Assembly.

STATE OF WISCONSIN.

Senate Joint Resolution 84

Joint resolution memorializing Congress to enact legislation requiring that all motor vehicles operated across State lines into States having compulsory automobile liability insurance be covered by liability insurance for damages to persons

Whereas it is a recognized fact that in a large number of cases persons injured by motor vehicles are unable to recover damages for the reason that the guilty party owns no property or carries no liability insurance: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the Legislature of the State of Wisconsin does hereby urge Congress to pass legislation requiring that all motor vehicles operated across State lines into States having compulsory automobile liability insurance be covered by liability insurance for damages to persons; be it further

Resolved, That a copy of this resolution, properly attested, be sent to the President of the United States and to the presiding officers of both Houses and to each Wisconsin Member thereof.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
CHAS. B. FERRY,
Speaker of the Assembly.
C. E. SHAFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Finance:

April 25, 1978

CONGRESSIONAL RECORD — SENATE

11437

"Whereas, Soil conditions, climate, types of crops, and farm management vary from farm to farm and in all parts of the country; and

"Whereas, In many cases, federally funded water projects increase productivity of the land, thus providing additional tax revenue to the federal government which more than offsets the subsidy for building the projects; and

"Whereas, The owners of such lands are subject to differing rules and regulations, including residency requirements, family relationships, sale of excess lands, and other administrative rules and regulations, depending upon the attitude of the United States Department of the Interior; and

"Whereas, The agricultural industry should be provided the latitude to efficiently produce abundant supplies of food for this country and to make sufficient amounts of food available to the hungry people of the world; now, therefore,

"Be It Resolved by the House of Representatives of the Fifty-first General Assembly of the State of Colorado, the Senate concurring herein:

"That the General Assembly supports a Congressional legislative moratorium on the enforcement of the one-hundred-sixty-acre limitation as provided in the 'Reclamation Act of 1902' and supports the subsequent repeal of the one-hundred-sixty-acre limitation.

"Be It Further Resolved, That copies of this Resolution be transmitted to the President and Vice President of the United States, the Secretary of the United States Department of the Interior, and each member of Congress from the State of Colorado."

POM-608. A resolution adopted by the Board of County Commissioners of St. Louis County, Minnesota, relating to State or Federal acquisition of privately owned lands within St. Louis County; to the Committee on Energy and Natural Resources.

POM-609. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Energy and Natural Resources:

"HOUSE JOINT RESOLUTION No. 134

"Whereas, the Commonwealth of Virginia has long recognized the great blessings with which it is endowed by nature, and has regularly sought to protect those natural resources for the continuing benefit of the people; and

"Whereas, an opportunity has been called to the attention of the General Assembly of Virginia to permanently assure to the people the continuing benefits now available on publicly-owned wild land which possesses extraordinary natural values in the way of scenery, sparkling clear streams, native trout fishery, wildlife habitat, rare mountain bogs and forested mountains offering high-quality outdoor recreation; and

"Whereas, this tract of land, identified as the St. Mary's River Watershed, consisting of approximately 10,695 acres, is located entirely within the George Washington National Forest in Augusta County, Virginia and involves no privately owned lands; and

"Whereas, this tract of land contains the St. Mary's River which has been studied and recommended to the Virginia General Assembly for inclusion in the State's Scenic River System, due to its outstanding scenic, natural and recreation values; and

"Whereas, by placing this area in the National Wilderness Preservation System under the Wilderness Act (while remaining a part of the National Forest System and administered by the U.S. Forest Service), we can assure that the outstanding natural values of the area will be maintained unimpaired for present and future generations, which at the same time permitting their free use by citizens in ways which neither

consume these values, nor interfere with the normal processes of nature; and

"Whereas, encroachment on this area by the construction of roads, buildings, dams and logging or any other works of man prohibited under the Wilderness Act, could severely damage its existing high-quality natural values and so deprive the public of their increasingly scarce, natural benefits; and

"Whereas, the protection of the Wilderness Act will enhance the valuable scientific study of nature's process in this area, by preventing intrusions upon, or interruptions of such studies, and will assure a genetic reserve of plant and animal species which elsewhere are being altered or destroyed; and

"Whereas, wilderness, being the unique heritage of the American nation, the character of its people having been forged in the wilderness, it is fitting that appropriate portions of our remaining wilderness be preserved as a reminder of that heritage, just as we commonly preserve other historic shrines for the benefit and enjoyment of the people; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the Virginia General Assembly hereby endorses the placement in the National Wilderness Preservation System under the Wilderness Act, the St. Mary's River Watershed, located within the George Washington National Forest, in Augusta County, on the west slope of the Blue Ridge Mountains, about twenty miles south of Staunton, consisting of approximately 10,695 acres; and, be it

"Resolved further, That the Clerk of the House of Delegates is hereby instructed to send copies of this resolution to the members of the Virginia Congressional Delegation and all other members of the 95th Congress, to actively support and vote for appropriate legislation to this end."

POM-610. A resolution adopted by the Legislature of the State of New York; to the Committee on Foreign Relations:

"RESOLUTION No. 217

"Whereas, This Legislative Body is shocked and horrified by the abduction of former Prime Minister Aldo Moro of Italy and the wanton slaying of five of his bodyguards by the terrorists known as the Red Brigades, an urban guerrilla group; and

"Whereas, This kind of moral malaise internationally is, indeed, a contagion that affects the whole fabric of our world society and breeds a sense of mental and moral ill-being that ought to be eradicated at all costs whatsoever, otherwise we will witness the decline and fall of our Twentieth Century world; and

"Whereas, It is the sense of this Legislative Body that it should express its sense of outrage and serve notice on all democratic legislative and parliamentary bodies of the free nations of the world at all levels of government, ranging from local to national, that there should be a concerted effort to eliminate terrorism and its attendant despair, instilling a new sense of survival, by enacting meaningful laws to discourage this dreadful violence; now, therefore, be it.

"Resolved, That this Legislative Body pauses in its deliberations and deplores and denounces the kidnapping of former Prime Minister Aldo Moro of Italy and the wanton slaying of five of his bodyguards by the terrorists known as the Red Brigades, an urban guerrilla group; and be it further

"Resolved, That copies of this resolution, suitably engrossed, be transmitted to the President of the United States, to the Italian Ambassador to the United States, to the Secretary General of the United Nations, to the Speaker of the House of Representatives of the United States, to the President Pro Tempore of the Senate of the United States and

to each member of the Congress of the United States from the State of New York."

POM-611. A resolution adopted by the city commission of the city of Margate, Fla., relative to foreign policy of the United States; to the Committee on Foreign Relations:

POM-612. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION No. 21

"Be it resolved by the House of Representatives of the Ninetieth General Assembly of the State of Tennessee, the Senate concurring, That pursuant to Article V of the Constitution of the United States, application is hereby made to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States to make the federal judiciary more accountable to the citizenry by requiring (1) that judges of all United States courts be subject to appointment for a fixed term, such as six years or eight years, at the end of which their continuance in office would be subject to the results of balloting by the voters of the geographical jurisdiction served by such judges, with the voters voting yes or no on the question: 'Shall (name of justice or judge) be retained in office as (justice or judge) of the (name of court)?' and (2) that judges of all United States courts be required to retire at age seventy (70) and no person who has attained that age would be eligible for appointment as a justice or judge.

"Be it further resolved, That this application shall constitute a continuing application for such convention under Article V of the Constitution of the United States until the legislatures of two-thirds (2/3) of the several states shall have made like applications and such convention shall have been called and held in conformity therewith, unless the Congress itself propose a similar amendment within the time and the manner herein provided.

"Be it further resolved, That proposal of a similar amendment by the Congress and its submission for ratification to the legislatures of the several states in the form of the article hereinabove specifically set forth, at any time prior to the sixty (60) days after the legislatures of the two-thirds (2/3) of the several states shall have made application for such convention, shall render such convention unnecessary and the same shall not be held; otherwise such convention shall be called and held in conformity with such applications.

"Be it further resolved, That as this application under Article V of the Constitution of the United States is the exercise of a fundamental power of the sovereign states under the Constitution of the United States, it is requested that receipt of this application by the Senate and the House of Representatives of the Congress of the United States be officially noted and duly entered upon their respective records, and that the full context of this resolution be published in the official publication of both the Senate and the House of Representatives of the Congress.

"Be it further resolved, That certified copies of this Resolution be transmitted forthwith to the Senate and the House of Representatives of the Congress of the United States, to each Senator and Representative in the Congress from this state, and to each house of the legislature and the Secretary of State of each of the several states, attesting the adoption of this resolution by the legislature of this state."

POM-613. A joint resolution adopted by the legislature of the State of Tennessee; to the Committee on the Judiciary:

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won. But recollect that the approval of those who can be bought by trial legislation may not compensate you for the loss of others who have followed your standard from a devotion to principle which they thought you shared with them and who will not follow you when convinced that those principles no longer animate you, if they ever did. [Renewed applause on the Democratic side.]

Do not count too securely upon the result in 1900. Recollect there will be gathered against you then men not drawn together under "orders," but coming as volunteers; men battling for homes and principles and liberty; men waging the fight that was waged in the country more than once in the century past; men standing upon principles proclaimed, defended, and illustrated by the bravest and best Americans that ever trod American soil. They will be there as volunteers; they will come from the farms and the shops, from the hills and from the valleys; and it will be a mighty host. Against them you may throw successfully your cohorts purchased by payment actually made and promises of things to be done, and then again you may not.

I have great reliance in American manhood when once aroused. Do not think that this defiance of their rights, this throwing to the winds of your own promises and your own professions, this legislation for classes against the masses, this iniquitous measure, will go unchallenged. Money again will be talked about at the bedside. Men will be gathered upon the street corners again. Again they will be making the gestures that the gentleman from Iowa made so artistically. Again the plain people will be found in conversation, in discussion; and these little groups, let me warn you, will assemble East and West and North and South, and great meetings will grow from them; and they will not assemble to praise or thank you. You may find that all the British friendship you have gathered in your endeavor to ingratiate yourself with the old "mother" who tried to strangle us in our infancy [laughter on the Democratic side], to assassinate us in the days of our youth, and who now, through you, is using us may fall short of your needs.

All the help you can get from corporations, with all the power of the money which you give them out of the people's purse, expecting that a goodly portion of it will be used for your benefit—all this superadded may not be enough. We will appeal to American manhood, to American patriotism. We will have again aloud in this land a spirit of inquiry and earnest discussion. Do not flatter yourselves that when the great conflict of 1900 is on we shall not be heard from; and let me warn you that when the battle is fought and the victory won it may not be necessary to go to the White House or to the "vine-clad cottage" at Canton, Ohio, with congratulations, but across the mighty Mississippi and over the prairies of the great West to a modest little home in Lincoln, Neb. [Great applause on the Democratic side.]

The hour of 5 o'clock having arrived, the committee rose; and the Speaker having resumed the chair, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill No. 1 "to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes," and had come to no resolution thereon.

PRINTING DOCUMENTS FOR COMMITTEE ON APPROPRIATIONS.

Mr. CANNON. Mr. Speaker, I ask unanimous consent for the consideration of the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be authorized to have printed and bound all documents for use of said committee that it may deem necessary in connection with subjects in relation to appropriations being considered, or to be considered, by the said committee during the Fifty-sixth Congress.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The resolution was agreed to.

CONSTITUTIONAL AMENDMENTS.

Mr. LANHAM. Mr. Speaker, I desire to present for reference to the appropriate committee, when organized, a certain concurrent resolution of the State of Texas, requesting the calling of a constitutional convention to propose amendments to the Constitution of the United States when a sufficient number of States shall concur therein. Inasmuch as this is a matter of some importance, I wish to ask unanimous consent that it be printed in the RECORD.

The SPEAKER. And not for reference to a committee?

Mr. LANHAM. And to be referred to the appropriate committee when appointed.

The SPEAKER. The gentleman from Texas requests that the resolution be printed in the RECORD for the information of the House. Is there any objection? [After a pause.] The Chair hears none, and it is so ordered.

The resolution is as follows:

Concurrent resolution, S. C. R. No. 4.

DEPARTMENT OF STATE.

Whereas the Constitution of the United States of America provided that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments to said Constitution: Therefore, we, the senate of the State of Texas, the house of representatives of the State of Texas concurring, do hereby petition and request the Congress of the United States of America to call a convention for proposing amendments to said Constitution as soon as the legislatures of two-thirds of the several States of the United States of America shall concur in this resolution by applying to Congress to call said convention.

Be it further resolved, That the Secretary of State be, and is hereby, directed to send a copy of this resolution to the Congressmen from Texas, and to the governor of each State at once, and to the legislatures of the several States as they convene, with a request of them to concur with us in this resolution.

D. H. HARDY, Secretary of State.

Approved June 5, 1899.

COMMERCIAL ATTACHÉS TO EMBASSIES AND LEGATIONS.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication from the secretary of the Chamber of Commerce of the State of New York, inclosing resolutions unanimously adopted by that chamber on June 1, 1899, requesting legislation authorizing the appointment of commercial attachés to the principal embassies and legations of the United States.

WILLIAM MCKINLEY.

EXECUTIVE MANSION.

Washington, December 11, 1899.

NORWEGIAN STEAMSHIP NICARAGUA.

The SPEAKER also laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Claims:

To the Congress of the United States:

I transmit herewith, as a case not acted upon by the Fifty-fifth Congress, a report from the Secretary of State, and accompanying papers, relating to the appeal for indemnity addressed to the equitable consideration of the Government of the United States by the owners and late master of the Norwegian steamship *Nicaragua*.

WILLIAM MCKINLEY.

EXECUTIVE MANSION.

Washington, December 11, 1899.

BUREAU OF AMERICAN REPUBLICS.

The SPEAKER also laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit a communication from the Secretary of State, inclosing the annual report of the Director of the Bureau of the American Republics, with accompanying documents.

The attention of Congress is called to the request of the Secretary of State that 2,500 copies of the report be printed for the use of the Bureau.

WILLIAM MCKINLEY.

EXECUTIVE MANSION.

Washington, December 11, 1899.

NORWEGIAN STEAMSHIP ALBERT.

The SPEAKER also laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Claims:

To the Congress of the United States:

I transmit herewith, as a case not acted upon by the Fifty-fifth Congress, a report from the Secretary of State, and accompanying papers, relating to the claim of Capt. B. Telefsen, of the Norwegian steamer *Albert*, against the Government of the United States for \$908.95, being the expenses incurred by him in consequence of a violation of article 13 of the treaty of commerce and navigation of 1827 between the United States and Sweden and Norway.

WILLIAM MCKINLEY.

EXECUTIVE MANSION.

Washington, December 11, 1899.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. BOUTELLE of Maine, indefinitely, on account of important business.

DEATH OF REPRESENTATIVE ERMENROUT.

Mr. GREEN of Pennsylvania. Mr. Speaker, I have been delegated by the Congressional delegation from my State to announce the death of Hon. DANIEL ERMENROUT, a Representative from the Ninth Congressional district of Pennsylvania, which took place on the 17th of September. He was a member of the Forty-seventh, Forty-eighth, Forty-ninth, Fiftieth, and Fifty-fifth Congresses.

I move the adoption of the resolutions I send to the desk.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Hon. DANIEL ERMENROUT, late a Representative from the State of Pennsylvania.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That as a mark of respect to his memory the House do now adjourn.

The motion was agreed to unanimously; and accordingly (at 5 o'clock p. m.) the House adjourned.

H. OF R.]

Answer to the President.

[MAY 5, 1789.]

States and other Powers who are not in treaty with her, and therefore did not call upon us for retaliation; if we are treated in the same manner as those nations we have no right to complain. He was not opposed to particular regulations to obtain the object which the friends of the measure had in view; but he did not like this mode of doing it, because he feared it would injure the interest of the United States.

Before the House adjourned, Mr. MADISON gave notice, that he intended to bring on the subject of amendments to the constitution, on the 4th Monday of this month.

TUESDAY, May 5.

Mr. BENSON, from the committee appointed to consider of, and report what style or titles it will be proper to annex to the office of President and Vice President of the United States, if any other than those given in the Constitution, and to confer with a committee of the Senate appointed for the same purpose, reported as followeth:

"That it is not proper to annex any style or title to the respective styles or titles of office expressed in the Constitution."

And the said report being twice read at the Clerk's table, was, on the question put thereupon, agreed to by the House.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

Mr. MADISON, from the committee appointed to prepare an address on the part of this House to the President of the United States, in answer to his speech to both Houses of Congress, reported as followeth:

The Address of the House of Representatives to George Washington, President of the United States.

SIR: The Representatives of the People of the United States present their congratulations on the event by which your fellow-citizens have attested the pre-eminence of your merit. You have long held the first place in their esteem. You have often received tokens of their affection. You now possess the only proof that remained of their gratitude for your services, of their reverence for your wisdom, and of their confidence in your virtues. You enjoy the highest, because the truest honor, of being the First Magistrate, by the unanimous choice of the freest people on the face of the earth.

We well know the anxieties with which you must have obeyed a summons from the repose reserved for your declining years, into public scenes, of which you had taken your leave for ever. But the obedience was due to the occasion. It is already applauded by the universal joy which welcomes you to your station. And we cannot doubt that it will be rewarded with all the satisfaction with which an ardent love for your fellow citizens must review successful efforts to promote their happiness.

This anticipation is not justified merely by the past experience of your signal services. It is particularly suggested by the pious impressions under which you mean to commence your administration, and the enlightened maxims by which you mean to conduct it. We feel with you the strongest obligations to adore the invisible hand which has led the American peo-

ple through so many difficulties, to cherish a conscientious responsibility for the destiny of republican liberty; and to seek the only sure means of preserving and recommending the precious deposit in a system of legislation founded on the principles of an honest policy, and directed by the spirit of a diffusive patriotism.

The question arising out of the fifth article of the Constitution will receive all the attention demanded by its importance; and will, we trust, be decided, under the influence of all the considerations to which you allude.

In forming the pecuniary provisions for the Executive Department, we shall not lose sight of a wish resulting from motives which give it a peculiar claim to our regard. Your resolution, in a moment critical to the liberties of your country, to renounce all personal emolument, was among the many presages of your patriotic services, which have been amply fulfilled; and your scrupulous adherence now to the law then imposed on yourself, cannot fail to demonstrate the purity, whilst it increases the lustre of a character which has so many titles to admiration.

Such are the sentiments which we have thought fit to address to you. They flow from our own hearts, and we verily believe that, among the millions we represent, there is not a virtuous citizen whose heart will disown them.

All that remains is, that we join in your fervent supplications for the blessings of heaven on our country; and that we add our own for the choicest of these blessings on the most beloved of our citizens.

Said address was committed to a Committee of the whole; and the House immediately resolved itself into a committee, Mr. PAGE in the chair. The committee proposing no amendment thereto, rose and reported the address, and the House agreed to it, and resolved that the Speaker, attended by the members of this House, do present the said address to the President.

Ordered, That Messrs. SINICKSON, COLES, and SMITH, (of South Carolina,) be a committee to wait on the President, to know when it will be convenient for him to receive the same.

Mr. CLYMER, from the committee appointed for the purpose, reported a bill for laying a duty on goods, wares, and merchandise, imported into the United States, which passed its first reading.

Mr. BLAND presented to the House the following application from the Legislature of Virginia, to wit:

VIRGINIA, to wit:

IN GENERAL ASSEMBLY, NOV. 14, 1788.

Resolved, That an application be made in the name and on behalf of the Legislature of this Commonwealth to the Congress of the United States, in the words following, to wit:

"The good People of this Commonwealth, in Convention assembled, having ratified the Constitution submitted to their consideration, this Legislature has, in conformity to that act, and the resolutions of the United States in Congress assembled, to them transmitted, thought proper to make the arrangements that were necessary for carrying it into effect. Having thus shown themselves obedient to the voice of their constituents, all America will find that, so far as

H. OF R.]

Duties on Tonnage.

[MAY 5, 1789.]

ply for that purpose. He hoped the gentleman would withdraw his motion for commitment.

Mr. BLAND.—The application now before the committee contains a number of reasons why it is necessary to call a convention. By the fifth article of the Constitution, Congress are obliged to order this convention when two-thirds of the Legislatures apply for it; but how can these reasons be properly weighed, unless it be done in committee? Therefore, I hope the House will agree to refer it.

Mr. HUNTINGTON thought it proper to let the application remain on the table, it can be called up with others when enough are presented to make two-thirds of the whole States. There would be an evident impropriety in committing, because it would argue a right in the House to deliberate, and, consequently, a power to procrastinate the measure applied for.

Mr. FICKER thought it not right to disregard the application of any State, and inferred, that the House had a right to consider every application that was made; if two-thirds had not applied, the subject might be taken into consideration, but if two-thirds had applied, it precluded deliberation on the part of the House. He hoped the present application would be properly noticed.

Mr. GERRY.—The gentleman from Virginia (Mr. MADISON) told us yesterday, that he meant to move the consideration of amendments on the fourth Monday of this month; he did not make such motion then, and may be prevented by accident, or some other cause, from carrying his intention into execution when the time he mentioned shall arrive. I think the subject however is introduced to the House, and, perhaps, it may consist with order to let the present application lie on the table until the business is taken up generally.

Mr. PAGE thought it the best way to enter the application at large upon the Journals, and do the same by all that came in, until sufficient were made to obtain their object, and let the original be deposited in the archives of Congress. He deemed this the proper mode of disposing of it, and what is in itself proper can never be construed into disrespect.

Mr. BLAND acquiesced in this disposal of the application. Whereupon, it was ordered to be entered at length on the Journals, and the original to be placed on the files of Congress.

DUTIES ON TONNAGE.

The House then resumed the consideration of the Report of the Committee of the whole on the state of the Union, in relation to the duty on tonnage.

Mr. JACKSON (from Georgia) moved to lower the tonnage duty from thirty cents, as it stood in the report of the committee on ships of nations in alliance, and to insert twenty cents, with a view of reducing the tonnage on the vessels of Powers not in alliance. In laying a higher duty on foreign tonnage than on our own, I presume, said he, the Legislature have

three things in contemplation: first, The encouragement of American shipping; 2ndly, Raising a Revenue; and, 3dly, The support of light-houses and beacons for the purposes of navigation. Now, for the first object, namely, the encouragement of American shipping, I judge twenty cents will be sufficient, the duty on our own being only six cents; but if twenty cents are laid in this case, I conclude that a higher rate will be imposed upon the vessels of nations not in alliance. As these form the principal part of the foreign navigation, the duty will be adequate to the end proposed. I take it, the idea of revenue from this source is not much relied upon by the House; and surely twenty cents is enough to answer all the purposes of erecting and supporting the necessary light-houses. On a calculation of what will be paid in Georgia, I find a sufficiency for these purposes; and I make no doubt but enough will be collected in every State from this duty. The tonnage employed in Georgia is about twenty thousand tons, fourteen thousand tons are foreign; the duty on this quantity will amount to £466 13s. 4d. Georgia currency. I do not take in the six cents upon American vessels, yet this sum appears to be as much as can possibly be wanted for the purpose of improving our navigation.

When we begin a new system, we ought to act with moderation; the necessity and propriety of every measure ought to appear evident to our constituents, to prevent clamor and complaint. I need not insist upon the truth of this observation by offering arguments in its support. Gentlemen see we are scarcely warm in our seats, before applications are made for amendments to the Constitution; the people are afraid that Congress will exercise their power to oppress them. If we shackle the commerce of America by heavy imposition, we shall rivet them in their distrust. The question before the committee appears to me to be, whether we shall draw in, by tender means, the States that are now out of the Union, or deter them from joining us, by holding out the iron hand of tyranny and oppression. I am for the former, as the most likely way of perpetuating the federal Government. North Carolina will be materially affected by a high tonnage; her vessels in the lumber trade will be considerably injured by the regulation; she will discover this, and examine the advantages and disadvantages of entering into the Union. If the disadvantages preponderate, it may be the cause of her throwing herself into the arms of Britain; her peculiar situation will enable her to injure the trade of both South Carolina and Georgia. The disadvantages of a high tonnage duty on foreign vessels are not so sensibly felt by the Northern States; they have nearly vessels enough of their own to carry on all their trade, consequently the loss sustained by them will be but small; but the Southern States employ mostly foreign shipping, and unless their produce is carried by them to market it will perish. At this mo-

MAY 5, 1789.]

Application of Virginia.

[H. OF R.]

it depended on them, that plan of Government will be carried into immediate operation.

"But the sense of the People of Virginia would be but in part complied with, and but little regarded, if we went no farther. In the very moment of adoption, and coeval with the ratification of the new plan of Government, the general voice of the Convention of this State pointed to objects no less interesting to the People we represent; and equally entitled to our attention. At the same time that, from motives of affection to our sister States, the Convention yielded their assent to the ratification, they gave the most unequivocal proofs that they dreaded its operation under the present form.

"In acceding to the Government under this impression, painful must have been the prospect, had they not derived consolation from a full expectation of its imperfections being speedily amended. In this resource, therefore, they placed their confidence, a confidence that will continue to support them, whilst they have reason to believe that they have not calculated upon it in vain.

"In making known to you the objections of the People of this Commonwealth to the new plan of Government, we deem it unnecessary to enter into a particular detail of its defects, which they consider as involving all the great and unalienable rights of freemen. For their sense on this subject, we beg leave to refer you to the proceedings of their late Convention, and the sense of the House of Delegates, as expressed in their resolutions of the thirtieth day of October, one thousand seven hundred and eighty-eight.

"We think proper, however, to declare, that, in our opinion, as those objections were not founded in speculative theory, but deduced from principles which have been established by the melancholy example of other nations in different ages, so they will never be removed, until the cause itself shall cease to exist. The sooner, therefore, the public apprehensions are quieted, and the Government is possessed of the confidence of the People, the more salutary will be its operations, and the longer its duration.

"The cause of amendments we consider as a common cause; and, since concessions have been made from political motives, which, we conceive, may endanger the Republic, we trust that a commendable zeal will be shown for obtaining those provisions, which experience has taught us are necessary to secure from danger the unalienable rights of human nature.

"The anxiety with which our countrymen press for the accomplishment of this important end, will ill admit of delay. The slow forms of Congressional discussion and recommendation, if, indeed, they should ever agree to any change, would, we fear, be less certain of success. Happily for their wishes, the Constitution hath presented an alternative, by admitting the submission to a convention of the States. To this, therefore, we resort as the source from whence they are to derive relief from their present apprehensions.

"We do, therefore, in behalf of our constituents, in the most earnest and solemn manner, make this application to Congress, that a convention be immediately called, of deputies from the several States, with full power to take into their consideration the defects of this constitution that have been suggested by the State Conventions, and report such amendments thereto as they shall find best suited to pro-

mote our common interests, and secure to ourselves and our latest posterity the great and unalienable rights of mankind.

"JOHN JONES, *Speaker Senate.*

"THOMAS MATHEWS, *Speaker Ho. Del.*"

After the reading of this application, Mr. BLAND moved to refer it to the Committee of the whole on the state of the Union.

Mr. BOUNDNOT.—According to the terms of the Constitution, the business cannot be taken up until a certain number of States have concurred in similar applications; certainly the House is disposed to pay a proper attention to the application of so respectable a State as Virginia, but if it is a business which we cannot interfere with in a constitutional manner, we had better let it remain on the files of the House until the proper number of applications come forward.

Mr. BLAND thought there could be no impropriety in referring any subject to a committee, but surely this deserved the serious and solemn consideration of Congress. He hoped no gentleman would oppose the compliment of referring it to a Committee of the whole; beside, it would be a guide to the deliberations of the committee on the subject of amendments, which would shortly come before the House.

Mr. MADISON said, he had no doubt but the House was inclined to treat the present application with respect, but he doubted the propriety of committing it, because it would seem to imply that the House had a right to deliberate upon the subject. This he believed was not the case until two-thirds of the State Legislatures concurred in such application, and then it is out of the power of Congress to decline complying, the words of the Constitution being express and positive relative to the agency Congress may have in case of applications of this nature. "The Congress, wherever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments." From hence it must appear, that Congress have no deliberative power on this occasion. The most respectful and constitutional mode of performing our duty will be, to let it be entered on the minutes, and remain upon the files of the House until similar applications come to hand from two-thirds of the States.

Mr. BOUNDNOT hoped the gentleman who desired the commitment of the application would not suppose him wanting in respect to the State of Virginia. He entertained the most profound respect for her—but it was on a principle of respect to order and propriety that he opposed the commitment; enough had been said to convince gentlemen that it was improper to commit—for what purpose can it be done? what can the committee report? The application is to call a new convention. Now, in this case, there is nothing left for us to do, but to call one when two-thirds of the State Legislatures ap-

United States Senate; the Speaker of the United States House of Representatives; and each member of Congress from the State of Washington."

POM-223. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on the Judiciary:

"CONCURRENT RESOLUTION

"Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

"Whereas, the annual Federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues; and

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

"Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all Federal spending and be in balance; and

"Whereas, the State of New Hampshire has long been known for its sensible, prudent approach to governmental spending; and

"Whereas, the New Hampshire example of fiscal responsibility is a model for all to follow; and

"Whereas, we believe that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid to all intents and purposes when ratified by three-fourths of the several states. We believe such action vital; now, therefore, be it

"Resolved by the legislature of the state of New Hampshire, that this body proposes to the Congress of the United States that procedures be instituted in the Congress to propose and submit to the several states an amendment to the Constitution of the United States requiring that the federal budget be balanced in the absence of a national emergency; and be it further

"Resolved, that, alternatively, this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto; and be it further

"Resolved, that this application by this body constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar application pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this House Concurrent, then this petition for a Constitutional Convention shall no longer be of any force or effect; and be it further

"Resolved, that this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and be it further

"Resolved, that this Body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the Federal Constitution; and be it further

"Resolved, that copies of this resolution be sent to the Secretary of State and presiding officers of both houses of the legislatures of each of the several states in the Union, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and to each member of the New Hampshire named Congressional delegation."

POM-224. A resolution adopted by the Legislature of the State of New York; to the Committee on Governmental Affairs:

"LEGISLATIVE RESOLUTION 375

"Whereas, The old testament has many references to the value of pigeons which were given symbolic significance by their sacrifice in religious ceremonies; and

"Whereas, The homing instinct has been valued since ancient times when this pigeon was first used as a carrier of messages; and

"Whereas, Egyptian writings dating from about 3000 B.C. are the earliest records of the domestication of pigeons; and

"Whereas, The carrier pigeon is known to have been used by the Roman Army during the conquest of Gaul, and in the same intrepid tradition has served the United States and our allied forces through two World Wars, saving thousands of lives with their swift and valorous flights bearing urgent strategic information; and

"Whereas, There are at least three members of this species in the Hall of Fame, including Jungle Joe, who carried vital information for the United States over steep mountains in Asia, Pathfinder, a World War II Night Flyer, and Sneaky, a hen pigeon who carried an urgent tactical message and so aided the St. Lo breakthrough in Belgium; and

"Whereas, The sport of pigeon racing, which is both a national and international activity, has helped to promote international relations between the United States, England, Spain, Germany, France, Belgium, Japan and many other countries throughout the World; and

"Whereas, It is the sense of this Legislative Body that the Homing Pigeon has contributed greatly to the service of this country, particularly as an adjunct to military communications, saving the lives of those serving with our armed forces and aiding in tactical victories during war, and should be duly recognized by way of a commemorative postage stamp; now, therefore, be it

"Resolved, That this Legislative Body do hereby memorialize the Congress of the United States and Mr. William Bolger, United States Postmaster General to enact such necessary measures as would provide for the printing of a fifteen cent stamp commemorating the Homing Pigeon; and be it further

"Resolved, That copies of this resolution, suitably engrossed, be transmitted to the Congress of the United States and to Mr. William Bolger, United States Postmaster General."

"SENATE RESOLUTION 17

"Whereas, the federal Clean Air Act of 1970 established mandatory automobile emission standards and time schedules for their implementation by automobile manufacturers; and

"Whereas, in response to the stringent emission control requirements of the Clean Air Act, automobile manufacturers have installed catalytic converters to reduce harmful pollutants on most cars built after 1974; and

"Whereas, catalytic converters are muffler-type devices intended to chemically alter harmful carbon monoxide, hydrocarbons, and nitrous oxides in automobile exhausts into harmless emissions; and

"Whereas, while the catalytic converters have enabled automobile manufacturers to comply with the mandates of the Clean Air Act, a serious question has arisen as to whether these devices are in the best interests of the nation's drivers and the general public as well; and

"Whereas, for example, the installation of catalytic converters on new vehicles reportedly increases the initial selling price of vehicles so equipped by an estimated average cost of up to \$400 per vehicle; and

"Whereas, in addition, it is an established fact that minimal amounts of lead, a common ingredient in regular and premium gasolines, will seriously impair, if not totally negate the intended cleaning function of the catalytic converter; and

"Whereas, as a result, vehicles fitted with catalytic converters must, out of practical necessity, use only unleaded gasoline to assure the effective functioning of the emission control systems and to contain the emission of harmful pollutants within acceptable limits; and

"Whereas, unleaded gasoline is more expensive than conventional gasolines because of the extra costs associated with the production of unleaded gasoline; and

"Whereas, efforts of the federal government to assure adequate supplies of unleaded gasoline have not been entirely successful due in large part to circumstances of an international nature beyond the control of the federal government with the resultant shortage of unleaded fuel in several regions of the United States; and

"Whereas, experience has demonstrated that frequent repairs and engine service work are required for vehicles equipped with catalytic converters to assure maximum fuel efficiency and effective functioning of the emission control system with the resultant obvious additional costs which must be borne by owners of such vehicles; and

"Whereas, informed sources point to the additional cost of manufacturing unleaded gasoline coupled with the expected increase in price when and if gasoline is deregulated; and

"Whereas, the cost of replacing a defective catalytic converter with a new one is upwards of \$300 per installation; and

"Whereas, effective alternative technologies have been developed to reduce the emission of harmful pollutants; and

"Whereas, the questionable effectiveness, fuel efficiency, high repair and maintenance cost, and other problems associated with the catalytic converter give rise to the firm conviction that the elimination of the catalytic converter and its replacement with alternate technologies may better serve the intended purposes of the catalytic converter is a matter of compelling national interest; now, therefore,

"Be it resolved by the Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, that the President of the United States, the United States Congress, the Department of Energy, the Department of Transportation, the Environmental Protection Agency, and all other State Legislatures are respectfully urged to join in a concerted national effort to do away with the reliance on the use of catalytic converters in view of the concerns expressed in this Resolution; and

"Be it further resolved that certified copies of this Resolution be transmitted to the

nature, and estimated cost of 13 facilities projects proposed to be undertaken for the Army National Guard in 12 States (with accompanying papers); to the Committee on Armed Services.

REPORT ON EXEMPLARY REHABILITATION CERTIFICATES

A letter from the Secretary of Labor, reporting, pursuant to law, on Exemplary Rehabilitation Certificates; to the Committee on Armed Services.

REPORT ON PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report of Department of Defense procurement from small and other business firms for July-October 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT CONCERNING THE IMPLEMENTATION AND ADMINISTRATION OF THE FAIR PACKAGING AND LABELING ACT

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report concerning the implementation and administration of the Fair Packaging and Labeling Act (with an accompanying report); to the Committee on Commerce.

REPORT OF THE SURGEON GENERAL ON THE HEALTH CONSEQUENCES OF SMOKING

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report from the Surgeon General of the Public Health Service on the health consequences of smoking (with an accompanying report); to the Committee on Commerce.

REPORT OF THE RENEGOTIATION BOARD

A letter from the Chairman, the Renegotiation Board, transmitting, pursuant to law, the 15th Annual Report of the Renegotiation Board (with an accompanying report); to the Committee on Finance.

REPORT OF GRANTS APPROVED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of grants approved by the Department of Health, Education, and Welfare (with an accompanying report); to the Committee on Finance.

PROPOSED LEGISLATION FOR THE RELIEF OF ROBERT F. FRANKLIN

A letter from the General Counsel and Congressional Liaison, U.S. Information Agency, submitting a draft of proposed legislation for the relief of Robert F. Franklin, formerly an employee of the U.S. Information Agency, who suffered personal losses overseas on two separate occasions incident to the performance of his official duties (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO AUTHORIZE THE U.S. POSTAL SERVICE TO RECEIVE THE FEE OF \$2 FOR EXECUTION OF AN APPLICATION FOR A PASSPORT

A letter from the Assistant Secretary for Congressional Relations, Department of State, submitting a draft of proposed legislation to amend section 214 of title 22, United States Code, to permit the Secretary of State to pay to the U.S. Postal Service the execution fee of \$2 for each passport application executed before postal officials (with accompanying papers); to the Committee on Foreign Relations.

PROPOSED LEGISLATION TO AUTHORIZE APPOINTMENT OF ADDITIONAL JUDGES IN FIVE U.S. DISTRICT COURTS

A letter from the Director, Administrative Office of the United States Court, submitting a draft of proposed legislation to authorize the appointment of additional judges in

five United States district courts (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO PROVIDE FOR THE GRANTING OF WRITS OF HABEAS CORPUS IN CERTAIN ADDITIONAL INSTANCES

A letter from the Director, Administrative Office of the United States Courts, submitting a draft of proposed legislation to amend chapter 153 of title 28, United States Code, to provide for the granting of writs of habeas corpus in certain additional instances (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO PROVIDE FOR APPEAL FROM CERTAIN ORDERS BY A DEFENDANT WHO HAS PLEADED GUILTY, AND FOR OTHER PURPOSES

A letter from the Director, Administrative Office of the United States Courts, submitting a draft of proposed legislation to amend title 18 of the United States Code to provide for an appeal from certain orders by a defendant who has pleaded guilty, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO ELIMINATE THE REQUIREMENT OF A THREE-JUDGE DISTRICT COURT IN CASES SEEKING TO RESTRAIN THE ENFORCEMENT OF STATE OR FEDERAL STATUTES FOR REPUGNANCE TO THE CONSTITUTION

A letter from the Director, Administrative Office of the United States Courts, submitting a draft of proposed legislation to eliminate the requirement of a three-judge district court in cases seeking to restrain the enforcement of state or federal statutes for repugnance to the Constitution (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO AMEND THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

A letter from the Secretary of Labor, submitting a draft of proposed legislation to amend the Longshoremen's and Harbor Workers' Compensation Act to improve its benefits (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT ON POSITIONS IN GRADES GS-17 AND GS-16 OF THE CIVIL SERVICE COMMISSION

A letter from the Chairman, U.S. Civil Service Commission, transmitting, pursuant to law, a report on positions in grades GS-17 and GS-16 of the Civil Service Commission (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of New York; to the Committee on Finance:

"JOINT RESOLUTION No. 2

"Joint resolution of the Legislature of the State of New York calling upon the Congress of the United States and the federal government to take prompt action to implement proposals for a system of direct federal tax-sharing payments to states

"Whereas, In recent years the challenges of modern-day America have required state and local governments to increase their expenditures at a rate greater than federal spending for domestic purposes; and

"Whereas, The growth in state and local taxation per capita has out paced the growth in federal taxation per capita in recent years; and

"Whereas, State and local governments are better equipped to determine how their needs can best be met and what formulas should be used in the distribution of available funds; and

"Whereas, The federal government is currently taking such a large share of the productive wealth of this nation through federal taxation that state and local governments are increasingly unable to find equitable and non-confiscatory revenue measures to produce the funds necessary to finance programs under their own control; and

"Whereas, The burden for innovation in domestic programs, under our federal system, rests with the states rather than with the federal government; now, therefore, be it

Resolved, That the Legislature of the state of New York calls upon the Congress of the United States and the federal government to take prompt action to implement proposals for a system of direct federal tax-sharing payments to the states, so that the state governments will be able to provide vital domestic programs which are now beyond their financial means and so that the states may assist local governments to exercise their proper responsibilities, particularly in the fields of education, transportation, environmental protection and social services; and be it further

Resolved, That any such shared revenues that are provided to the states and local governments not be earmarked for specific purposes and functions; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Majority Leader, Minority Leader and Secretary of the Senate and the Speaker, Minority Leader and Clerk of the House of Representatives of the Congress of the United States, and to each member of the Congress from the state of New York."

A concurrent resolution of the Legislature of the State of West Virginia; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION 9

"Concurrent resolution memorializing the Congress of the United States to call a convention for the sole purpose of amending the United States Constitution to provide for intergovernmental sharing of federal income tax revenues

"Whereas, A resolution of our Nation's myriad and diverse problems is contingent upon a viable partnership between the Federal Government and strengthened state governments; and

"Whereas, The Federal Government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this course from state and local governments, thereby creating a disabling fiscal imbalance between the Federal Government and state and local governments; and

"Whereas, Increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

"Whereas, Federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth; and

"Whereas, The fiscal crisis of state and local governments is the overriding problem of intergovernmental relations and of continuing a viable federal system, and the only solution to this problem is a meaningful sharing of federal income tax resources; and

"Whereas, The Congress of the United States, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation; and

"Whereas, In the event of such Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate change by applications from the legislatures of two thirds of the several states to Congress, calling for a constitutional convention; and

"Whereas, The Congress of the United States is required by the Constitution to call such a convention upon receipt of applications from the legislatures of two thirds of the several states; therefore, be it

Resolved by the Legislature of West Virginia: That pursuant to Article V of the Constitution of the United States, the Legislature of the State of West Virginia does hereby make application to the Congress of the United States to call a convention for the sole purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the Constitution of the United States shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such moneys for any purpose not inconsistent with any other provision of the Constitution of the United States; and, be it

Further Resolved, That this application shall constitute a continuing application until the legislatures of two thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this Legislature; and, be it

Further Resolved, That certified copies of this resolution be presented forthwith to the President of the Senate and Speaker of the House of Representatives of the United States and to the legislature of each of the several states attesting the adoption of this resolution by the Legislature of the State of West Virginia."

The petition of Evelyn Barnes, of Bridge, Idaho, praying for a congressional investigation relating to the Headstart program; to the Committee on Appropriations.

A resolution adopted by the United Center of Retailers of Puerto Rico, Inc., praying for the enactment of legislation relating to curbing inflation; to the Committee on Banking, Housing and Urban Affairs.

The petition of Robert Hayworth Beel, of Mount Clemens, Mich., praying for a redress of grievances; to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the City of Buffalo, N.Y., praying for the enactment of legislation relating to air pollution; to the Committee on Commerce.

A resolution adopted by the Board of Supervisors, County of Goochland, Va., praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the City Council of New York City, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

Resolutions adopted at the Grand Camp, Alaska Native Brotherhood, Inc., relating to social security payments to persons living in Alaska; to the Committee on Finance.

A resolution adopted by the Colorado Conference of Social Welfare, Denver, Colo., praying for the enactment of legislation relating to welfare reform; to the Committee on Finance.

Resolutions adopted at the North Atlantic Assembly, held in The Hague, relating to certain recommendations concerning international relations; to the Committee on Foreign Relations.

A resolution adopted by the Evangelical Covenant Church of America, Chicago, Ill., praying for conformation to rules of war as delineated in the Geneva Convention, relating to prisoners of war; to the Committee on Foreign Relations.

An opinion of the U.S. District Court, Southern District of Indiana, Indianapolis Division, relating to the case of Vance Hartke, Plaintiff, against Richard L. Roudebush, Samuel J. Walker, John R. Hammond, Duge

Butler, Defendants; to the Committee on Rules and Administration.

The petition of New Yorkers for a New York Senator, Hamilton, N.Y., objecting to the seating of JAMES L. BUCKLEY, as Senator, from the State of New York; to the Committee on Rules and Administration.

The petition of Paul B. Knuese, of Lake Geneva, Wis., praying for a redress of grievances; to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the Council of the city of New York, praying for the enactment of legislation approving income tax deductions for all people who cannot work at a gainful job without having to make private arrangements for child care; to the Committee on Finance.

A petition, signed by sundry citizens of the State of Florida, praying for the immediate cessation of aid in any form to Communist enemies; to the Committee on Foreign Relations.

A resolution adopted by the council of the city of New York, praying for the enactment of legislation to create an independent Federal agency to coordinate a national drive to conquer cancer; to the Committee on Labor and Public Welfare.

A proclamation of the Governor, Commonwealth of Puerto Rico, relating to the recently approved amendment to the constitution of the Commonwealth of Puerto Rico, granting the right to vote to all persons over 18 years of age; to the Committee on Interior and Insular Affairs.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. HANSEN (for Mr. JACKSON), from the Committee on Interior and Insular Affairs:

ROGERS C. B. MORTON, of Maryland, to be Secretary of the Interior.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RIBICOFF:

S. 185. A bill for the relief of Carmen Soto Velesquez;

S. 186. A bill for the relief of Miss Ilva John; and

S. 187. A bill for the relief of Miss Marie Arcache and Miss Verdun Arcache; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 188. A bill for the relief of Tibor Egetoe;

S. 189. A bill for the relief of Carmela Marullo; and

S. 190. A bill for the relief of Vittorio Liotti; to the Committee on the Judiciary.

By Mr. BOGGS (for himself, Mr. Tower and Mr. BEALL):

S. 191. A bill to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Finance.

(The remarks of Mr. Boggs when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. NELSON:

S. 192. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works, by unanimous consent and then to the Committee on Commerce for its consideration of any matters in its jurisdiction, by unanimous consent.

S. 193. A bill to amend the Federal Aviation Act of 1958 to prohibit the operation within the territorial jurisdiction of the United States of any civil supersonic aircraft until and unless the sonic boom and stratospheric pollution created by such operation have been reduced to zero or the effectual equivalent of zero, and for other purposes; to the Committee on Commerce.

S. 194. A bill to permit a State to elect the use funds from the highway trust fund for purposes or urban mass transportation; to the Committee on Finance.

(The remarks of Mr. Nelson when he submitted the bills appear earlier in the Record under the appropriate heading.)

By Mr. JAVITS (for himself and Mr. GRIFFIN):

S. 195. A bill to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of minority group isolation, in elementary and secondary schools, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. JAVITS when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. MOSS:

S. 196. A bill for the relief of Eva Semnan;

S. 197. A bill for the relief of Mrs. Kwi Dong Park;

S. 198. A bill for the relief of Osvaldo R. Borelo, Angela Borelo, Diana Laora Borelo, Viviana Christina Borelo, Estevan Daniel Borelo, and Mirian Borelo;

S. 199. A bill for the relief of Miss Mahe Hannemann;

S. 200. A bill for the relief of Olga Quintas-Freijo and Susanna Alvarez;

S. 201. A bill for the relief of Dr. Ralph R. Stevenson;

S. 202. A bill for the relief of Ann Maria Y. Uy;

S. 203. A bill for the relief of Eou Bee Han; and

S. 204. A bill for the relief of Sing Ho Chan; to the Committee on the Judiciary.

By Mr. CURTIS:

S. 205. A bill for the relief of Kimura Koshun; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 206. A bill for the relief of William Arthur Herbertson; and

S. 207. A bill for the relief of Grace Home Herbertson; to the Committee on the Judiciary.

By Mr. HRUSKA (for himself and Mr. CURTIS):

S. 208. A bill for the relief of Filadelfo Fracica; to the Committee on the Judiciary.

By Mr. WEICKER:

S. 209. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Commerce.

By Mr. FONG:

S. 210. A bill to amend section 8340 of title 5, United States Code, to provide a 5-percent increase in certain annuities;

S. 211. A bill to amend the Civil Service Retirement Act so as to permit retirement of employees with thirty years of service on full annuities without regard to age;

S. 212. A bill to provide certain retirement benefits under title 5, United States Code, for air traffic controllers;

S. 213. A bill to provide for employment within the Environmental Protection Agency of commissioned officers of the Public Health Service, and for other purposes; and

S. 214. A bill to correct certain inequities relating to civil service retirement benefits

resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; and whereas the United States Senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several States a chance to secure this much-desired change in the method of electing Senators: Therefore be it

Resolved by the senate and assembly of the State of Wisconsin, That, under the authority of Article V of the Constitution of the United States, application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and

Resolved, That the secretary of state be, and is hereby, directed to forward a proper authenticated copy of these resolutions to the President of the United States, to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

J. O. DAVIDSON,
President of the Senate.
I. L. LENROOT,
Speaker of the Assembly.
THEO. W. GOLDIN,
Chief Clerk of the Senate.
C. O. MARSH,
Chief Clerk of the Assembly.

The people of Wisconsin directly nominate Senators under the protection of the law of 1903. (Wisconsin primary laws, 1903, chap. 451; 1907, pp. 2. Mandatory; state wide; direct; includes United States Senator.)

WYOMING.

Enrolled memorial 2, house of representatives.

Be it resolved by the third legislature of the State of Wyoming, That the Senate and House of Representatives of the United States of America be memorialized as follows: The third legislature of the State of Wyoming respectfully represents to the honorable the Senate and the honorable the House of Representatives of the United States of America in Congress assembled that they urge the submission of the constitutional amendments now pending in Congress requiring United States Senators to be elected by a vote of the qualified electors of the State.

They believe that the exciting and disturbing contest for seats in the legislature in many of the States has been owing in a great measure to impending contests for United States Senators.

In many States the sessions of the legislature are limited to a specified time, and much of this time has been wasted and consumed in a fruitless effort to elect Senators.

The temptation to corruption and the inducements to influence legislators by questionable means would be entirely removed if the election of Senators were transferred to the people. It is believed the business of the legislature should be confined to matters of legislation, and that the excitement attendant upon the selection of United States Senators by the legislature interferes to a great degree with that business.

The growth of a public sentiment in this direction we believe to be grounded upon good reasons, calling for an amendment of the Constitution in this respect.

Resolved, That the governor be, and he is hereby, respectfully requested, upon his approval of this memorial, to forward a duly authenticated copy thereof, under the great seal of the State, to the Senators and Representatives in Congress from this State, in order that the same may be brought to the attention of the Congress of the United States.

GEO. W. HOYT,
President of the Senate.
JAY L. TORREY,
Speaker of the House.

Approved February 16, A. D. 1895.

WM. A. RICHARDS, Governor.

Wyoming primary laws, 1890, chapter 80; 1907, chapter 100. Rudimentary; optional.

In spite of 37 States demanding or adopting the indirect method of selecting Senators by vote of the people, in spite of all the evidence submitted to show universality of opinion, the will of the American people is refused the courtesy of a hearing.

Mr. President, I ask you, I ask the Senate, I ask the people of the United States, Do the people really rule?

The refusal of the Senate of the United States to perform its obvious duty in this matter of the submission of a constitutional amendment for the election of Senators by direct vote, while very important as the GATEWAY TO OTHER NEEDED REFORMS, is, however, merely characteristic of the Senate under the control of a party management that is ruled by a machine method unduly influenced by commercial allies and the so-called big interests. I shall presently show that the people can get none of the reforms they want while this unfortunate condition remains.

Mr. President, the unwearied and unconquerable Democracy in the opening declarations of its last national platform laid down the great issue that must next be settled in this country and said:

We rejoice at the increasing signs of an awakening throughout the country. The various investigations have traced graft and political corruption to the representatives of predatory wealth, and laid bare the unscrupulous methods by which they have debauched elections and preyed upon a defenseless public through the subservient officials whom they have raised to place and power.

The conscience of the Nation is now aroused to free the Government from the grip of those who have made it a business asset of the favor-seeking corporations; it must become again a people's government, and be administered in all its departments according to the Jeffersonian maxim, "Equal rights to all and special privileges to none."

SHALL THE PEOPLE RULE? IS THE OVERSHADOWING ISSUE, WHICH MANIFESTS ITSELF IN ALL THE QUESTIONS NOW UNDER DISCUSSION.

THE GREATEST OF ALL ISSUES.

Mr. President, the greatest of all issues, not only in the United States but throughout the civilized world, is the issue of popular government, or the government of the people against delegated government, or government by convention, or government by machine politics.

The vital question is, Shall the people rule? Shall they control the mechanism of party government? Shall they have the direct power to nominate, to instruct, to recall their public servants; to legislate directly and to enact laws they want and to veto laws they do not want, free from corruption, intimidation, or force, as well as elect Senators who claim to represent them on this floor?

The most valuable speech on good government that was ever delivered in the Congress of the United States was, in my opinion, delivered by Hon. JONATHAN BOURNE, JR., of Oregon, on Thursday, May 5, 1910, in which he sets forth this doctrine, and presents to the American people the triumph—the permanent triumph—of the people of Oregon over the corrupt and corrupting methods of machine politics in Oregon, and in which he sets forth the substance of the Oregon law.

These laws establish in fact and not in theory "the people's rule." They are as follows:

The Australian ballot law, which obviates the grosser forms of intimidation and bribery.

The registration law, applying to general or primary elections, by which a voter's right to cast one ballot and have it honestly counted is preserved, and by which dead men, fraudulent names, repeaters, and nonresidents can not be voted in Oregon.

The initiative and referendum, by which the people can initiate and enact into law any statute they want and veto any statute they do not want. The possible sins of omission and the possible sins of commission of the representatives of the people in the Oregon legislature are thus safeguarded.

The law of publicity pamphlets, published at state expense and sent to each voter fifty-five days before a general election, giving in brief authoritative arguments for and against any public measure, authoritative arguments for and against any public candidate.

The direct primary law, by which party members may nominate their own candidates and under which the whole people may choose between candidates so named by each party.

Statement No. 1, by which a candidate for the legislature pledges himself to the people of Oregon to elect the people's choice for Senator without regard to his individual preference.

STATEMENT NO. 1 IS OF VITAL IMPORTANCE.

The corrupt practices act, by which all improper acts are prohibited, such as promises of appointments, solicitation or acceptance of campaign contributions, distribution of anonymous letters, sale of editorial support, intimidation or coercion of voters, betting on elections, attempting to vote in the name of any other person, living, dead, or fictitious, and finally providing for complete publicity of campaign expenditures and strictly limiting the use of money by candidates or by their friends and allies or in their interest.

The right of recall, by which any public officer may be recalled from office by his electors on petition and a special election.

The Senator from Oregon well says:

"Mr. President, I reiterate that Oregon has evolved the best system of popular government that exists in the world to-day.

"The Australian ballot assures the honesty of elections.

"The registration law guards the integrity of the privilege of American citizenship—participation in government.

"The direct primary absolutely insures popular selection of all candidates and establishes the responsibility of the public servant to the electorate and not to any political boss or special interest.

"The initiative and referendum is the keystone of the arch of popular government, for by means of this the people may accomplish such other reforms as they desire. The initiative develops the electorate because it encourages study of principles and policies of government and affords the originator of new ideas in government an opportunity to secure popular judgment upon his measures if 8 per cent of the voters of his State deem the same worthy of submission to popular vote. The referendum prevents misuse of the power temporarily centralized in the legislature.

"The corrupt-practices act is necessary as a complement to the initiative and referendum and the direct primary, for without the corrupt-practices act these other features of popular government could be abused. As I have fully explained, the

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recent loss of one of the most prominent figures in the great history of America's maritime industry. C.C. Wei, founder of the Falcon Shipping Group, revolutionized American shipping in the late 1960's by developing a new generation of automated, diesel-propelled tankers.

He was a brilliant innovator and a staunch supporter of the American maritime industry. While others found it necessary to take advantage of lower construction and operating costs associated with flying a foreign flag, Mr. Wei chose to stick with the U.S. flag. Even under the severe disadvantage of competing with low foreign labor costs and foreign government subsidies, and having to fight against unfair trading practices favoring foreign carriers often to the exclusion of U.S. shippers, Mr. Wei was able to build a shipping empire that made him a rival of such magnates as Daniel Ludwig, Aristotle Onassis, and Y.K. Pao. Even today, in a time when some predict that 8 of every 10 shipping companies will soon go bankrupt, Falcon Shipping is still one of America's largest.

Although Chinese by birth, C.C. Wei displayed the kind of American entrepreneurial spirit and patriotism that made this Nation great, but that has now become all too rare. I feel lucky to have known him as I know all of his many admirers do as well.●

AFGHANISTAN: LETTERS FROM THE STATE OF KENTUCKY

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A situation approaching genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Kentucky and ask that they be printed in the RECORD.

The letters follow:

DEAR SIR: I just read a story in a recent Reader's Digest magazine about Soviet butchery in Afghanistan. It's hard to believe that nightmares like that really happen in this world. I think that the U.S. should do something to try to stop it, it is the only right thing to do.

SHERLEY APPLGATE,
Louisville, KY.

DEAR SENATOR HUMPHREY: Although I am dubious as to whether this letter will prod our government out of its relative inaction, I do wish to voice my concern over the horrible situation in Afghanistan. Part of this is to alert you to the fact that not all of the American public are unaware of the desperate situation there, or unwilling to do anything about it. I not only care, I am willing to support action against this outright disregard of human rights. This is not a matter of choice, this is our responsibility as members of society and civilization, otherwise we are chipping away at the very foundations we, as human beings have built, in order to do more than exist, and to be more than animals. We cannot negotiate human lives, or barter a country, let us cry foul against the Soviets and stand firm. Let America truly be what she represents herself to be.

I will support you in your endeavors, otherwise, I cannot hold my head up as an American or a human being.

Sincerely,

MONA L. MIKKELSEN,
Radcliff, KY.●

A CALL FOR FEDERAL TAXATION REFORM

● Mr. HATCH. Mr. President, I thought my colleagues would be interested in a resolution passed during the recent general session of the Utah State Legislature.

I submit the resolution for the RECORD.

The resolution follows:

RESOLUTION

Be it resolved by the Legislature of the state of Utah:

Whereas, the Sixteenth Amendment to the Constitution of the United States, as evidenced by the history of its adoption, was not intended by its framers, proponents, or the ratifying States to permit taxation by the Federal government of interest income on the obligations of the States or their political subdivisions; and

Whereas, the Congress of the United States has of late enacted and proposed legislation which operates to tax or restrict such obligations and the income thereon and proceeds thereof; has enacted and proposed retroactive tax legislation; and has enacted or proposed legislation which limits the deductibility for Federal income tax purposes of taxes paid under State laws and interest on amounts borrowed by financial institutions to purchase or carry such obligations, all to the manifest detriment of the States and their economies.

Now, therefore be it resolved that application is hereby made to the Congress of the United States, pursuant to Article V of the Constitution of the United States, to call a convention for proposing an amendment to the Sixteenth Amendment to the Constitution of the United States, however, said call for a convention by the state of Utah is limited to the express purpose herein enunciated and for no other purpose, and the state of Utah is not to be counted in a convention call for any other purpose except as limited herein. Such proposal to amend the Sixteenth Amendment shall provide as follows:

The Congress shall have power to lay and collect taxes on income, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration, but not legislation enacted in the exercise of this power shall have retroactive effect. So

that the right of the States to finance the public purposes established by them or their electors shall not be infringed, the Congress shall lay no direct or indirect tax upon the income derived from general or special obligations issued by or on behalf of the States, their political subdivisions, or authorized authorities, nor upon the proceeds thereof or income on such proceeds, nor from their governmental activities, nor shall it otherwise tax or restrict such obligations or exclude, as deductions from income, taxes paid pursuant to the laws of any State or interest on amounts borrowed by any financial institution to purchase or carry such obligations.

Be it further resolved, that if the Congress of the United States shall propose such amendment for ratification by the legislatures of three-fourths of the several States, this application shall no longer be of any force or effect.

Be it further resolved, that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the several States shall have made similar applications to the Congress of the United States.

Be it further resolved, that the Lieutenant Governor is hereby directed to transmit copies of this application, upon its due adoption, to the President and Secretary of the Senate and the Speaker and Clerk of the House of Representatives of the Congress of the United States.●

● Mr. STEVENS. Mr. President, James Lyons, commander in chief of the U.S. Pacific Fleet, recently stated that Adak, a small island in Alaska's Aleutian Chain, has become extremely important to Pacific strategy. Lyons cites several reasons for this shift in emphasis. Adak lies only 600 miles from Petropavlovsk, the primary submarine base for the Soviet Union. The United States takes more oil out of the Alaskan port of Valdez than we import from the Persian Gulf, and Adak already has established naval and air bases.

In response to this increased strategic importance, the U.S. Navy will begin to send aircraft carrier battle groups to the Aleutians, and for the first time in modern warfare, ships and submarines from the Pacific Fleet will conduct maneuvers near the coastline. Recently there has been a large-scale buildup of men and equipment in Adak, which is now home to 2,000 sailors and 100 marines continually stationed there in 1-year tours of duty.

Mr. President, I ask that Mr. Burgess's article be printed in the RECORD.

The article follows:

[From the San Diego Union, Feb. 8, 1987]

ICY ISLAND OF ADAK SEEN AS NAVY'S KEY
NORTH PACIFIC OUTPOST
(By Tom Burgess)

In the elusive shadow game played between the U.S. and Soviet navies, the center of attention across Pacific battlefields has shifted from the western Pacific to a tiny island that is home to otters, bald eagles, frozen tundra, 2,000 sailors—and a new Navy strategy for dealing with the USSR.

The island is called Adak, a tiny Aleutian Island located 600 miles from the Soviet

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"SECTION 3. Copies of this Resolution shall be sent to the legislatures of all the States, to the clerk of the United States House of Representatives and the Secretary of the Senate in Washington, D.C., requesting the several States to also pass an identical application to the United States Congress so as to meet the constitutional requirements for application for such a convention by two-thirds of the States."

POM-190. A resolution adopted by the General Assembly of the State of Rhode Island making an application to the Congress of the United States for the calling of a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of United States with respect to the right to life; to the Committee on the Judiciary:

"RESOLUTION

"Resolved, That the general assembly of the state of Rhode Island and Providence Plantations pursuant to Article V of the Constitution of the United States hereby makes application to the Congress of the United States for the calling of a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which shall provide:

"(a) With respect to the right to life guaranteed in the United States Constitution, that every human being subject to the jurisdiction of the United States or any state shall be deemed from the moment of fertilization to be a person and entitled to the right to life.

"(b) That Congress and the several states shall have concurrent powers to enforce such an amendment by appropriate legislation, and be it further

"Resolved, That this application shall constitute a continuing application for such convention pursuant to Article V until the legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this general assembly; and be it further.

"Resolved, That certified copies of this resolution be presented forthwith to the president of the Senate and the Speaker of the House of Representatives of the United States and to the legislatures of each of the several states attesting the adoption of this resolution by the general assembly of the state of Rhode Island."

POM-191. Resolution No. 11 adopted by the Legislature of the Territory of Guam relative to congratulating and commending the Honorable Hiram Leong Fong, United States Senator for his distinguished service in the Senate and his efforts on behalf of the people of Guam; ordered to lie on the table:

"RESOLUTION No. 11

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, Honorable Hiram L. Fong, U.S. Senator from the State of Hawaii, has decided to retire after 18 years of dedicated service in the U.S. Senate; and

"Whereas, during the period of his tenure, Senator Fong has often represented Guam's best interests in the United States Senate, supporting favorable programs for the people of Guam and consistently showing a keen interest in their welfare; and

"Whereas, the University of Guam on behalf of itself and the people of Guam evidenced the people's appreciation of Senator Fong's efforts on their behalf by presenting him an Honorary Doctorate Degree; and

"Whereas, the support of Senator Fong was the key factor in Senate approval of Presidential appointments of Governor Carlos G. Camacho, the last appointed Governor of Guam, Kurt S. Moylan, Secretary of Guam, Cristobal C. Duenas, United States

Federal District Judge, U.S. Marshals, John T. San Agustin and Juan C. San Agustin, and Selective Service Directors, Antonio Q. Sablan and Lorenzo C. Aflague; and

"Whereas, the support of Senator Fong was a significant factor in deferring attempts by the Navy to reduce SRF Guam to caretaker status; and

"Whereas, the Honorable Hiram Fong will be sorely missed as a dedicated public servant by the people of Hawaii, his colleagues in the Senate and the people of Guam; now, therefore, be it

"Resolved, that the Fourteenth Guam Legislature does hereby on behalf of the people of Guam commend and congratulate the Honorable Hiram L. Fong for his long and distinguished service in the Senate and his efforts on behalf of the people of Guam; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Hiram Leong Fong; the President of the U.S. Senate; the Governor of the State of Hawaii; the Legislature of the State of Hawaii; the Speaker, U.S. House of Representatives; the Honorable Antonio B. Won Pat; Chairman of the Board of Regents, University of Guam and to the Governor of Guam."

POM-192. Senate Joint Resolution No. 12 adopted by the Legislature of the State of Nevada urging the United States Department of Defense to discontinue consideration of Nevada as a site for project Seafarer or any successor project; to the Committee on Armed Services:

"Senate Joint Resolution No. 12

"Whereas, The Defense Appropriations Bill of 1975, Report No. 93-1255, indicates that the Congress of the United States intends to have the Seafarer antenna system of the United States Navy installed in a state only upon the concurrence of that state and its affected local governments; and

"Whereas, Various studies and environmental impact statements related to project Seafarer make it clear that emplacement of such an antenna system in the State of Nevada would have potentially severe economic, environmental and health impacts on this state; and

"Whereas, The governor of Nevada has on two occasions informed the United States Department of Defense that Nevada does not concur with plans for location of such a system within the state; and

"Whereas, The United States Department of the Navy has continued to develop plans for emplacement of the Seafarer antenna system in Nevada in spite of repeated objections by the people of this state; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the legislature of the State of Nevada urges that neither the Seafarer antenna system nor any successor antenna system be emplaced on any land within the State of Nevada and that the Department of Defense discontinue consideration of Nevada as a site for project; and be it further

"Resolved, That a copy of this resolution be prepared and transmitted by the legislative counsel to the President of the United States, the Secretary of Defense, the Vice President as presiding officer of the Senate, the Speaker of the House of Representatives, and all members of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-193. Senate Joint Resolution No. 18 adopted by the Legislature of the State of Nevada memorializing the President of the United States to appoint a mineral affairs adviser to the White House Staff; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION No. 18

"Whereas, One-half of the earth's natural resources are minerals; and

"Whereas, This nation's high standard of living, based almost entirely upon a sophisticated industrial and technological foundation, is dependent upon mineral resources; and

"Whereas, The national defense and economic security and well-being of this country depend upon an adequate and assured supply of minerals; and

"Whereas, Problems surrounding mineral resources and supplies are distinct from those which relate to other aspects of this nation's economy; and

"Whereas, This country needs a national and comprehensive mineral resources policy; and

"Whereas, The President of the United States should have access to a knowledgeable mineral affairs adviser; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the legislature hereby respectfully memorializes the President of the United States to recognize the value and critical importance of mineral resources and to appoint a mineral affairs adviser to the White House staff; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the chairmen of the Interior Committees of Congress and to all members of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-194. Senate Joint Resolution No. 26 adopted by the Legislature of the State of Nevada memorializing the Congress of the United States to direct certain federal agencies to contract with Nevada for the administration of certain federal lands; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION No. 26

"Whereas, The Federal Government possesses over 60 million acres or 87 percent of the land in the State of Nevada, the seventh largest state in the Union, and only 11 percent of this land is dedicated to and used for national purposes; and

"Whereas, The United States Department of the Interior manages over 48 million acres or 69 percent of the land in the State of Nevada through the Bureau of Land Management, and none of this land is dedicated to or used for national purposes; and

"Whereas, The United States Department of Agriculture manages over 5 million acres or 7.2 percent of the land in the State of Nevada through the U.S. Forest Service, and this activity is only tenuously related to any national purpose; and

"Whereas, The sound political theory of the founding fathers of this Union was that the Federal Government should manage national affairs and the several States should manage local affairs, and that this theory was to be effectuated through the Constitution of the United States; and

"Whereas, James Madison explained these intentions of the founding fathers in The Federalist No. 45, in which he wrote, 'The powers reserved to the several States will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties and properties of the people; and the internal order, improvement and prosperity of the state'; and

"Whereas, The massive presence of the Bureau of Land Management and the Forest Service in the State of Nevada is a presence

Additionally:

See links below. The reason for its importance. It is, as far as we can determine, the only official action ever taken by Congress on a convention and as it continues to this day the terms and conditions specified therefore are still in effect. Note possible comments of Madison underlined in green. Secondary proof. See annotated Constitution, U.S. Senate website and read description of Article V and the convention.

[General Annals of Congress 1 \(J. Gales Ed.\) Pg 00257 Yr 1789](#)

http://foa5c.org/file.php/1/Amendments/001_Annals_of_Congress_00258_1789_HL.JPG

States and other Powers who are not in treaty with her, and therefore did not call upon us for retaliation; if we are treated in the same manner as those nations we have no right to complain. He was not opposed to particular regulations to obtain the object which the friends of the measure had in view; but he did not like this mode of doing it, because he feared it would injure the interest of the United States.

Before the House adjourned, Mr. MADISON gave notice, that he intended to bring on the subject of amendments to the constitution, on the 4th Monday of this month.

TUESDAY, May 5.

Mr. BENSON, from the committee appointed to consider of, and report what style or titles it will be proper to annex to the office of President and Vice President of the United States, if any other than those given in the Constitution, and to confer with a committee of the Senate appointed for the same purpose, reported as followeth:

"That it is not proper to annex any style or title to the respective styles or titles of office expressed in the Constitution."

And the said report being twice read at the Clerk's table, was, on the question put thereupon, agreed to by the House.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

Mr. MADISON, from the committee appointed to prepare an address on the part of this House to the President of the United States, in answer to his speech to both Houses of Congress, reported as followeth:

The Address of the House of Representatives to George Washington, President of the United States.

SIR: The Representatives of the People of the United States present their congratulations on the event by which your fellow-citizens have attested the pre-eminence of your merit. You have long held the first place in their esteem. You have often received tokens of their affection. You now possess the only proof that remained of their gratitude for your services, of their reverence for your wisdom, and of their confidence in your virtues. You enjoy the highest, because the truest honor, of being the First Magistrate, by the unanimous choice of the freest people on the face of the earth.

We well know the anxieties with which you must have obeyed a summons from the repose reserved for your declining years, into public scenes, of which you had taken your leave for ever. But the obedience was due to the occasion. It is already applauded by the universal joy which welcomes you to your station. And we cannot doubt that it will be rewarded with all the satisfaction with which an ardent love for your fellow citizens must review successful efforts to promote their happiness.

This anticipation is not justified merely by the past experience of your signal services. It is particularly suggested by the pious impressions under which you mean to commence your administration, and the enlightened maxims by which you mean to conduct it. We feel with you the strongest obligations to adore the invisible hand which has led the American peo-

ple through so many difficulties, to cherish a conscientious responsibility for the destiny of republican liberty; and to seek the only sure means of preserving and recommending the precious deposit in a system of legislation founded on the principles of an honest policy, and directed by the spirit of a diffusive patriotism.

The question arising out of the fifth article of the Constitution will receive all the attention demanded by its importance; and will, we trust, be decided, under the influence of all the considerations to which you allude.

In forming the pecuniary provisions for the Executive Department, we shall not lose sight of a wish resulting from motives which give it a peculiar claim to our regard. Your resolution, in a moment critical to the liberties of your country, to renounce all personal emolument, was among the many presages of your patriotic services, which have been amply fulfilled; and your scrupulous adherence now to the law then imposed on yourself, cannot fail to demonstrate the purity, whilst it increases the lustre of a character which has so many titles to admiration.

Such are the sentiments which we have thought fit to address to you. They flow from our own hearts, and we verily believe that, among the millions we represent, there is not a virtuous citizen whose heart will disown them.

All that remains is, that we join in your fervent supplications for the blessings of heaven on our country; and that we add our own for the choicest of these blessings on the most beloved of our citizens.

Said address was committed to a Committee of the whole; and the House immediately resolved itself into a committee, Mr. PAGE in the chair. The committee proposing no amendment thereto, rose and reported the address, and the House agreed to it, and resolved that the Speaker, attended by the members of this House, do present the said address to the President.

Ordered, That Messrs. SINNICKSON, COLES, and SMITH, (of South Carolina,) be a committee to wait on the President, to know when it will be convenient for him to receive the same.

Mr. CLYMER, from the committee appointed for the purpose, reported a bill for laying a duty on goods, wares, and merchandise, imported into the United States, which passed its first reading.

Mr. BLAND presented to the House the following application from the Legislature of Virginia, to wit:

VIRGINIA, to wit:

IN GENERAL ASSEMBLY, NOV. 14, 1788.

Resolved, That an application be made in the name and on behalf of the Legislature of this Commonwealth to the Congress of the United States, in the words following, to wit:

"The good People of this Commonwealth, in Convention assembled, having ratified the Constitution submitted to their consideration, this Legislature has, in conformity to that act, and the resolutions of the United States in Congress assembled, to them transmitted, thought proper to make the arrangements that were necessary for carrying it into effect. Having thus shown themselves obedient to the voice of their constituents, all America will find that, so far as

MAY 5, 1789.]

Application of Virginia.

[H. of R.]

it depended on them, that plan of Government will be carried into immediate operation.

"But the sense of the People of Virginia would be but in part complied with, and but little regarded, if we went no farther. In the very moment of adoption, and coeval with the ratification of the new plan of Government, the general voice of the Convention of this State pointed to objects no less interesting to the People we represent; and equally entitled to our attention. At the same time that, from motives of affection to our sister States, the Convention yielded their assent to the ratification, they gave the most unequivocal proofs that they dreaded its operation under the present form.

"In acceding to the Government under this impression, painful must have been the prospect, had they not derived consolation from a full expectation of its imperfections being speedily amended. In this resource, therefore, they placed their confidence, a confidence that will continue to support them, whilst they have reason to believe that they have not calculated upon it in vain.

"In making known to you the objections of the People of this Commonwealth to the new plan of Government, we deem it unnecessary to enter into a particular detail of its defects, which they consider as involving all the great and unalienable rights of freemen. For their sense on this subject, we beg leave to refer you to the proceedings of their late Convention, and the sense of the House of Delegates, as expressed in their resolutions of the thirtieth day of October, one thousand seven hundred and eighty-eight.

"We think proper, however, to declare, that, in our opinion, as those objections were not founded in speculative theory, but deduced from principles which have been established by the melancholy example of other nations in different ages, so they will never be removed, until the cause itself shall cease to exist. The sooner, therefore, the public apprehensions are quieted, and the Government is possessed of the confidence of the People, the more salutary will be its operations, and the longer its duration.

"The cause of amendments we consider as a common cause; and, since concessions have been made from political motives, which, we conceive, may endanger the Republic, we trust that a commendable zeal will be shown for obtaining those provisions, which experience has taught us are necessary to secure from danger the unalienable rights of human nature.

"The anxiety with which our countrymen press for the accomplishment of this important end, will ill admit of delay. The slow forms of Congressional discussion and recommendation, if, indeed, they should ever agree to any change, would, we fear, be less certain of success. Happily for their wishes, the Constitution hath presented an alternative, by admitting the submission to a convention of the States. To this, therefore, we resort as the source from whence they are to derive relief from their present apprehensions.

"We do, therefore, in behalf of our constituents, in the most earnest and solemn manner, make this application to Congress, that a convention be immediately called, of deputies from the several States, with full power to take into their consideration the defects of this constitution that have been suggested by the State Conventions, and report such amendments thereto as they shall find best suited to pro-

mote our common interests, and secure to ourselves and our latest posterity the great and unalienable rights of mankind.

"JOHN JONES, *Speaker Senate.*

"THOMAS MATHEWS, *Speaker Ho. Del.*"

After the reading of this application,

Mr. BLAND moved to refer it to the Committee of the whole on the state of the Union.

Mr. BOUDINOT.—According to the terms of the Constitution, the business cannot be taken up until a certain number of States have concurred in similar applications; certainly the House is disposed to pay a proper attention to the application of so respectable a State as Virginia, but if it is a business which we cannot interfere with in a constitutional manner, we had better let it remain on the files of the House until the proper number of applications come forward.

Mr. BLAND thought there could be no impropriety in referring any subject to a committee, but surely this deserved the serious and solemn consideration of Congress. He hoped no gentleman would oppose the compliment of referring it to a Committee of the whole; beside, it would be a guide to the deliberations of the committee on the subject of amendments, which would shortly come before the House.

Mr. MADISON said, he had no doubt but the House was inclined to treat the present application with respect, but he doubted the propriety of committing it, because it would seem to imply that the House had a right to deliberate upon the subject. This he believed was not the case until two-thirds of the State Legislatures concurred in such application, and then it is out of the power of Congress to decline complying, the words of the Constitution being express and positive relative to the agency Congress may have in case of applications of this nature. "The Congress, wherever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments." From hence it must appear, that Congress have no deliberative power on this occasion. The most respectful and constitutional mode of performing our duty will be, to let it be entered on the minutes, and remain upon the files of the House until similar applications come to hand from two-thirds of the States.

Mr. BOUDINOT hoped the gentleman who desired the commitment of the application would not suppose him wanting in respect to the State of Virginia. He entertained the most profound respect for her—but it was on a principle of respect to order and propriety that he opposed the commitment; enough had been said to convince gentlemen that it was improper to commit—for what purpose can it be done? what can the committee report? The application is to call a new convention. Now, in this case, there is nothing left for us to do, but to call one when two-thirds of the State Legislatures ap-

ply for that purpose. He hoped the gentleman would withdraw his motion for commitment.

Mr. BLAND.—The application now before the committee contains a number of reasons why it is necessary to call a convention. By the fifth article of the Constitution, Congress are obliged to order this convention when two-thirds of the Legislatures apply for it; but how can these reasons be properly weighed, unless it be done in committee? Therefore, I hope the House will agree to refer it.

Mr. HUNTINGTON thought it proper to let the application remain on the table, it can be called up with others when enough are presented to make two-thirds of the whole States. There would be an evident impropriety in committing, because it would argue a right in the House to deliberate, and, consequently, a power to procrastinate the measure applied for.

Mr. TUCKER thought it not right to disregard the application of any State, and inferred, that the House had a right to consider every application that was made; if two-thirds had not applied, the subject might be taken into consideration, but if two-thirds had applied, it precluded deliberation on the part of the House. He hoped the present application would be properly noticed.

Mr. GERRY.—The gentleman from Virginia (Mr. MADISON) told us yesterday, that he meant to move the consideration of amendments on the fourth Monday of this month; he did not make such motion then, and may be prevented by accident, or some other cause, from carrying his intention into execution when the time he mentioned shall arrive. I think the subject however is introduced to the House, and, perhaps, it may consist with order to let the present application lie on the table until the business is taken up generally.

Mr. PAGE thought it the best way to enter the application at large upon the Journals, and do the same by all that came in, until sufficient were made to obtain their object, and let the original be deposited in the archives of Congress. He deemed this the proper mode of disposing of it, and what is in itself proper can never be construed into disrespect.

Mr. BLAND acquiesced in this disposal of the application. Whereupon, it was ordered to be entered at length on the Journals, and the original to be placed on the files of Congress.

DUTIES ON TONNAGE.

The House then resumed the consideration of the Report of the Committee of the whole on the state of the Union, in relation to the duty on tonnage.

Mr. JACKSON (from Georgia) moved to lower the tonnage duty from thirty cents, as it stood in the report of the committee on ships of nations in alliance, and to insert twenty cents, with a view of reducing the tonnage on the vessels of Powers not in alliance. In laying a higher duty on foreign tonnage than on our own, I presume, said he, the Legislature have

three things in contemplation: first, The encouragement of American shipping; 2ndly, Raising a Revenue; and, 3dly, The support of light-houses and beacons for the purposes of navigation. Now, for the first object, namely, the encouragement of American shipping, I judge twenty cents will be sufficient, the duty on our own being only six cents; but if twenty cents are laid in this case, I conclude that a higher rate will be imposed upon the vessels of nations not in alliance. As these form the principal part of the foreign navigation, the duty will be adequate to the end proposed. I take it, the idea of revenue from this source is not much relied upon by the House; and surely twenty cents is enough to answer all the purposes of erecting and supporting the necessary light-houses. On a calculation of what will be paid in Georgia, I find a sufficiency for these purposes; and I make no doubt but enough will be collected in every State from this duty. The tonnage employed in Georgia is about twenty thousand tons, fourteen thousand tons are foreign; the duty on this quantity will amount to £466 13s. 4d. Georgia currency. I do not take in the six cents upon American vessels, yet this sum appears to be as much as can possibly be wanted for the purpose of improving our navigation.

When we begin a new system, we ought to act with moderation; the necessity and propriety of every measure ought to appear evident to our constituents, to prevent clamor and complaint. I need not insist upon the truth of this observation by offering arguments in its support. Gentlemen see we are scarcely warm in our seats, before applications are made for amendments to the Constitution; the people are afraid that Congress will exercise their power to oppress them. If we shackle the commerce of America by heavy imposition, we shall rivet them in their distrust. The question before the committee appears to me to be, whether we shall draw in, by tender means, the States that are now out of the Union, or deter them from joining us, by holding out the iron hand of tyranny and oppression. I am for the former, as the most likely way of perpetuating the federal Government. North Carolina will be materially affected by a high tonnage; her vessels in the lumber trade will be considerably injured by the regulation; she will discover this, and examine the advantages and disadvantages of entering into the Union. If the disadvantages preponderate, it may be the cause of her throwing herself into the arms of Britain; her peculiar situation will enable her to injure the trade of both South Carolina and Georgia. The disadvantages of a high tonnage duty on foreign vessels are not so sensibly felt by the Northern States; they have nearly vessels enough of their own to carry on all their trade, consequently the loss sustained by them will be but small; but the Southern States employ mostly foreign shipping, and unless their produce is carried by them to market it will perish. At this mo-